

Agenda Item A5	Committee Date 4 March 2013	Application Number 12/00872/FUL
Application Site Bell Aire Park Homes Middleton Road Heysham Lancashire		Proposal Demolition of existing bungalow, out buildings and erection of 3 no 2 bedroom dwellings with parking
Name of Applicant Mr Shadrach Nelson		Name of Agent Mr Philip Armistead
Decision Target Date 7 November 2012		Reason For Delay Request to be determined by Planning Committee deferral for a site visit and Completion of a Legal Agreement
Case Officer		Mr Andrew Holden
Departure		N/A
Summary of Recommendation		Approval

(i) **Procedural Matters**

This application is one which would normally be dealt with under delegated powers but has been placed before the Planning Committee at the request of Councillor Sowden following concerns regarding car parking arrangements.

The application was presented to the planning committee on 4 February 2013. A proposal for deferment for a site visit was supported and the application was deferred without formal discussion or debate of the proposal. The site visit took place on 25 February 2013.

1.0 The Site and its Surroundings

- 1.1 The application site is located off Middleton Road in Heysham and serviced by a private road leading from Middleton Road to the site entrance and beyond to agricultural fields. The site currently comprises a large chalet bungalow and dilapidated outbuildings to the rear. The bungalow was originally occupied by the site operator but separated from the adjoining caravan site by a boundary wall. The site forms part of a wider planning unit which comprises a Park Home site through which one has to drive to reach the bungalow and its curtilage.
- 1.2 The plot to the bungalow was originally extensive stretching west to the site entrance with a long front garden. The site has changed significantly in recent years with the dividing wall removed, the front garden being used for the siting of five caravans as an extension of the caravan site. Access to the bungalow was also revised at that time to be directly from the caravan site, coming from an informal turning head at the end of a two-way section of road.
- 1.3 Two storey residential houses lie to the north and east. The properties to the north stand approximately 2m above the ground level of the application site with a 1.8m fence running long the higher level boundary. The properties to the east are further away but sit at a slightly lower level; again a timber fence forms the boundary to the neighbouring houses.

1.4 Residential caravans lie to the west and south of the site. The closest caravan is sited 6m to the south and approximately 17m to the west. The caravan site is long established with a narrow circulatory road serving the whole of the site. The total number of caravans is 65 all used as permanent residences. It is understood that by agreement with the owner of the site occupation is restricted to elderly residents.

1.5 The site is undesignated in the Local Plan.

2.0 The Proposal

2.1 The application is seeking planning permission to demolish the existing detached chalet bungalow and outbuildings and erect a terrace of three 2-storey houses. The dwellings provide two double bedrooms and a bathroom to the upper floor with a living room and separate kitchen/diner to the ground floor. A 12m rear garden is provided to each property, along with a shorter front garden leading to an access road and dedicated parking spaces. Five additional parking spaces are also provided for the use of residents/visitors of the caravan site. Landscaping, hedging and specimen trees are also provided around the car parking area.

3.0 Site History

3.1 The application site itself has no planning history but the wider original garden area to the bungalow recently gained consent (09/00197/CU) for the expansion of the adjoining caravan site and the siting of five mobile homes. The development has been implemented with two of the units now occupied.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No highway objections to the proposal. Comments over the additional vehicle movements associated with the development and the general inadequacies of the current highway layout (narrow roads and no footpaths). <i>Incorrect assumption over planning restrictions (age) on the caravan site. In practice, the site is age restricted but by owners/occupiers agreement.</i> Given that vehicle speeds within the site are relatively low and that car parking levels are at an acceptable level County does not consider there to be sufficient justification to raise a highways objection.
Environmental Health	No desk study submitted and therefore recommend refusal. If approved, an hours of working condition should be applied.
Strategic Housing	Acknowledges the need for an affordable housing contribution and adopts the appropriate methodology. The commuted sum shall be paid prior to commencement of the development.
United Utilities	No objections to the development subject to a condition requiring a separate drainage system.
H S Executive	Does not advise, on safety grounds, against the granting of planning permission in this case.
Office of Nuclear Regulation	No comments on this application, since it does not fit the consultation criteria.

5.0 Neighbour Representations

5.1 To date 44 letters have been received in response to the consultation, all raising objection to the development:

Bell Aire Park is a fully residential Park Home site for the retired and semi retired. The homes are privately owned and are Park Homes not caravans as describe in the plans. The site has a clear policy of tenure including over 45 age limit and strictly no children. The bungalow was not part of this site until Mr Nelson bought it and developed the land to encompass five new park homes. This proposed new development comes as a total surprise to the park residents who have had no notification from the park owner regarding his plans. This new development would require access through the site increasing traffic and noise. If this development goes ahead it will cause a great deal

of disruption to the residents of the park. The proposed properties should not be allowed to be sold unless they meet the current park rules. In short this development for social housing is totally unsuitable and should be rejected. If this development goes ahead it will place a greater strain on the current sewage and water system, which can just about cope at present.

The park residents have raised objections to the loss of car parking as a result of the development and the general lack of adequate car parking throughout the caravan site as a whole. The residents committee have responded to the consultation with a survey of the parking available on the site for the 65 homes as follows:

The parking falls into 4 categories.

a) Homes with parking within their allotted pitch area	41
b) Homes with parking allocated elsewhere on site as agreed on purchase	16
c) Homes with neither of the above who have to use "visitor parking" spaces	4
d) Homes with category b) status who will loose their allotted parking bays should the new development go ahead	4

Further reasons for objections include:

- breach of site rules, retired or semi-retired persons only
- park home are not a cheap form of accommodation , occupancy is protected under the Mobile Homes Act 1963.
- Detrimental to character of the area
- Inappropriate land use or development
- Inappropriate site or location
- Increase in noise
- Increase in traffic
- limitation of the current road layout and general standard
- Means of access
- Overlooking/privacy of property
- reduction in safety of current residents if children are allow to use the road network
- limitation of the current foul drainage system

The local member of Parliament, Mr David Morris, has written concerned over the provision of low level bollards in front of a visitors parking area and the possible unsafe condition of the vacant bungalow (loose guttering).

6.0 Principal Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental; and that these roles are mutually dependent and should be sought simultaneously through the planning system.

At the heart of the NPPF is a **presumption in favour of sustainable development** (paragraph 14). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 17 sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The principles which are relevant to this application state that planning should: be genuinely plan-led; be a creative exercise in finding ways to enhance and improve places; be supportive of sustainable economic development; seek high quality design and good standards of amenity; take account of different roles and character of different areas; encourage the use of previously developed land and promote mixed use developments and encourage benefits from land use in urban and rural areas.

Paragraph 53 urges planning authorities to resist inappropriate development within residential gardens for example where development would cause harm to the area.

Paragraph 196 planning law requires that applications for planning permission must be determined

in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 Lancaster District Core Strategy

Policy **SC1** (Sustainable Development) seeks to ensure that new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of climate change and sets out a range of criteria against which proposals should be assessed. Development should be located in areas where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, uses energy efficient design and construction practices, incorporates renewable energy technologies and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) promotes the creation of sustainable communities by focussing development within existing urban areas and minimising the need to travel. This states that 90% of new dwellings will be provided in these locations.

Policy **SC4** (Meeting the District's Housing Requirements) seeks to manage and control the release of housing sites within the district in order to deliver and meet local housing needs. The Council will aim to maximise the opportunities offered by the development of new dwellings to redress imbalances in the local housing market, achieve housing that genuinely addresses identified local housing need and secures units of affordable housing in perpetuity.

Policy **SC5** (Achieving Quality in Design) requires new development to be of a quality which reflects and enhances the positive characters of its surroundings, including the quality of the landscape, results in an improved appearance where conditions are unsatisfactory and complements and enhances public realm. The Council recognises the importance of environmental quality, both townscapes and natural landscapes, and seeks to work with developers to maintain and improve the quality of new development.

6.3 Lancaster District Local Plan (saved policies)

Policy **H12** (Layout, Design and the Use of Materials) sets out standards for new housing stating that proposals will only be permitted which exhibit a high standard of design, layout and landscaping and which use materials and features that are appropriate to and retain local distinctiveness.

Policy **H19** (Housing Development of Small Sites) covers development within the existing housing areas of Lancaster, Morecambe and Carnforth. Para.2.7 states that ".....residential development within existing housing areas will be permitted which; would not have a significant adverse effect on the amenities of nearby residents; provides a high standard of amenity.....makes satisfactory arrangements for access....and car parking."

7.0 Comment and Analysis

7.1 The key issues for Members to consider in determining this application are:

- The location of the development
- The design of the development
- The impact of the development on residential amenity

7.2 Principle of Development

The application is a full application seeking consent for the erection of three dwellings on the site of a previous single dwelling. The site is located within the defined main urban area of Morecambe/Heysham and is surrounding by residential uses. The uses take the form of houses to the north and east and park homes to the south and west. The site is close to a primary school, local shops, medical services and public transport routes. The location of the site is considered, in principle, to be supported by planning policy SC1 and SC2 of the Lancaster District Core Strategy.

7.3 Affordable Housing

The applicant has indicated that the properties will initially be used as rented accommodation with a projected rental value of £435 per month. He has also acknowledged the need for the provision of a contribution towards affordable housing. Following discussion, a revised Design and Access

Statement has been received which provided an interpretation of open market value of the properties. A contribution figure has been calculated on the basis on an open market figure of £105,000 for each dwelling. It is noted that an error was made as part of the negotiations with the Local Planning Authority and no account has been taken of the loss of a dwelling. The net gain is in practice only two dwelling rather than the three previously discussed at pre-application stage. The contribution figure corresponding reduces from £6,702 to £4,468. The contribution will need to be the subject of a Unilateral Undertaking. The agent/applicant is aware of the need for an agreement and drafting is on-going.

7.4 Design (including sustainable construction)

The overall scale of the development, design and parking provision has been the subject of pre-application discussion with the agent. The number of dwellings has been reduced, parking rationalised and a hipped roof arrangement introduced to reduce impact on neighbouring residents in both the caravans and the houses. The houses take the form of a small terrace and with buff wet dash render walls, art stone detailing to heads and cills under plain grey roof tiles. The applicant rather than introducing renewable technologies into the scheme wishes to improve the thermal and air tightness of the building. This approach is argued to be more effective as it is for the lifetime of the property rather than the lifetime of the technology. The approach is considered acceptable and addresses carbon dioxide emissions via a different method. Conditions would be required to agree materials and the details of the energy efficient designs (mainly windows and walls).

7.5 Parking for the site incorporates parking for the dwellings and following the submission of a revised layout plan, five spaces for communal use by the residents and visitors to the caravan site. There are four informal spaces indicated at the entrance to the bungalow but these are in practice within the turning area at end of the two way section of road. The spaces were not part of the scheme recently developed under 09/00197/CU for the neighbouring five park homes, but are used by the neighbouring site residents.

7.6 The houses are provided with a good sized rear garden and a small front garden in addition to a private parking area.

7.7 Residential amenity

The site is currently occupied by a substantial chalet bungalow, the outline of which is defined on the submission plans. A series of poor quality outbuildings are also located at the east end of the plot tight to the eastern site boundary. The new building footprint is located further east into the plot than the original bungalow. The dwellings will provide a 23m face to face distance to the properties to the rear. The northern properties sit at a much higher level and in effect the new dwellings are seen as single storey. In addition, the houses are orientated away from the gable of the new dwellings. The proposed hipped roof again helps to reduce the impact. The park home No. 70 to the south has limited windows to the side, which are mainly obscure glazed, and is protected from overlooking by the introduction of a 1.8m boundary with only a bathroom window to the gable elevation. Similarly, the outlook from park home No 29 is protected from overlooking by the boundary and outlook is actively improved by the removal of the poor quality outbuildings.

7.8. Contamination

The application has not been supported by a desk study and is recommended for refusal by the Contaminated Land Officer. The site is current residential and will remain so under this application. No specific justification has been provided for the need for a study. Consequently, it is considered that as the use of the overall plot remains the same an unforeseen contamination condition should be attached.

7.9 Caravan site issues

The application is effectively part of the wider planning unit which includes the neighbouring residential park home site but it is accessed through the park home site off the turning area at the end of a two way section of road. It is accepted that the 'public' realm within the park is very tight and constrained.

7.10 The residents of the residential park homes have expressed strong concerns over the introduction of

houses at the site particularly ones which have the potential to be occupied by families. The site owner and park home occupiers operate a restriction on the age of the occupiers at the caravan site with no children being allowed to reside at the site. The precise lower age limit is unclear - consultation comments indicate the minimum age as 45 (some stating upwards of 55 depending on neighbour response) but it is clear the site is occupied by aged residents, an approach supported by all residents. It is also clear that residents had not been party to any prior discussion before the application was presented to the local planning authority and are deeply concerned about how the houses will be occupied and assimilated with the park homes.

- 7.11 However, the age limit arrangement is not a planning restriction (i.e. it is not a planning condition attached to a previously planning permission). It is a restriction applied by the site owner. The site is within the urban area which is clearly residential. Whilst the concerns are understood it is considered that the development has to be assessed on its planning merits on the basis of an unrestricted residential use as there appears to be no statutory control to prevent the caravans being sold to younger owners.
- 7.12 The park residents have also raised an objection to the loss of car parking as a result of the development and the general lack of adequate car parking throughout the caravan site as a whole.
- 7.13 As part of an earlier approval on the site under 09/00197/CU the caravan site was expanded into the front garden of the current bungalow to enable five additional park homes to be sited. This development has been completed with allocated parking for each unit provided within each site pitch. The expansion of the park homes site also lost a dividing boundary wall and introduced a two way-section of road across the top of the site and a turning head to serve the widened road and prevent circumnavigation of the site by all car-borne visitors and residents. The number of visitor parking spaces provided for the remainder of the site was 10.
- 7.14 In practice, the site as a whole has very limited parking space and the consent in 2009 has eroded some of the spaces available to residents/visitors but has also sought to rationalise the design and location of the spaces. The site owner independently of the planning consent has maintained parking allocations which have been removed as part of the 2009 consent. In particular, parking for four cars (all undersized and restricted spaces) have remained demarcated within the area designated as a turning area for the two way section of road, but this area will be removed if consent is granted.
- 7.15 The loss of these spaces has raised great concern with the residents of the site. The implications of the loss of the spaces, whilst not formalised in the 2009 consent, has been recognised as part of the discussions and negotiations over the current proposal. The scheme provides self sufficient parking for the houses and now following amendments to the scheme provides for five rather than three additional parking spaces. Following further discussion these spaces are proposed to be allocated to four residents of the park homes site to replace the ones demarcated within the turning area plus an additional visitor space for use by the park homes. Consequently, the proposed development will result in a net gain of one visitor parking space for the wider caravan site.

8.0 Planning Obligations

- 8.1 An Unilateral Undertaking will be required for the financial contribution required towards the provision of affordable housing in the District. The applicant has indicated a willingness to provide a contribution and has provided a projection for the value of the dwellings on the open market. The development will result in a net gain of two dwellings. A financial contribution based upon the methodology contained within the Affordable Housing Policy Update January 2011 has been calculated and will result in a contribution of £4,468.

9.0 Conclusions

- 9.1 The application is seeking to develop three residential properties on the site of an existing single dwelling. The application is located within the main urban area of Heysham surrounded by residential units of permanent construction and park homes. None of the residential units have any planning restrictions over the nature of their occupation. The proposed development is considered to have an acceptable relationship to all neighbouring properties, will be self sufficient in car parking terms and increase the car parking provision associated with the adjoining caravan site. This is a difficult proposal to consider. If the houses had a separate independent access the grant of planning

permission would be much easier. Adding three new open market, non age restricted homes to what is effectively a small, dense retirement 'village' with 60 properties sharing a narrow shared surface roadway does raise concerns about compatibility. However, given the lack of highway objection, the NPPF's hard stance of enabling housing supply and the problem of there being no statutory provision to prevent other families moving onto the park, it is reluctantly felt that a refusal would be difficult to substantiate.

Recommendation

That, subject to the signing and completion of an Unilateral Undertaking to secure the provision of a financial contribution towards affordable housing, Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year time limit
2. Development to be undertaken in accordance with the approved plans
3. Amended parking/layout plan dated 9 January 2013
4. Amended details for the upgrading of 'U' values and air tightness of the building dated 10 October 2012
5. Precise technical details of the improvement of the buildings' 'U' Values and air tightness to and be agreed
6. Car parking to be provided, designated and retained
7. Samples of render, artificial stone detailing and roof tile to be agreed
8. Details of boundary fencing construction and finish
9. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)
10. Landscaping details to be agreed
11. Site demolition, construction and management plan to be agreed.
12. Unforeseen contamination
13. Separated (foul and surface water) drainage system to be developed
14. Details of permeable hardstanding and surface water drainage to the access road to be agreed

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.