

Agenda Item A9	Committee Date 2 February 2015	Application Number 14/01204/FUL
Application Site Luneside West Development Site Thetis Road Lune Business Park Lancaster		Proposal Erection of 60 residential units with associated access roads and parking
Name of Applicant Mr Jermaine Barrett		Name of Agent
Decision Target Date 13 March 2015		Reason For Delay N/A
Case Officer		Mr Andrew Drummond
Departure		Yes
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

1.1 Luneside West is located to the southern bank of the River Lune about 1 mile west of the centre of Lancaster. The site is flat and roughly triangular in shape. It is accessed from New Quay Road, which runs along the north edge of the site. The southern angled boundary abuts the Marsh housing area and Lancaster Cricket Club, though further west it falls adjacent to the existing Lune Industrial Estate. It once formed the central part of the former Lune Mills complex, which stretched from what is now known as the Lune Industrial Estate in the west to Luneside East adjacent to the Carlisle Bridge to the east. The site now is being redeveloped for residential purposes. The application relates to 60 plots within the western part of the site.

1.2 The wider Luneside West site is identified under Policy EC5 of the Lancaster Local Plan as forming part of the existing Luneside Employment Area. The site's north facing frontage borders on the River Lune County Biological Heritage Site and also the Strategic Cycle Network that passes along New Quay Road.

2.0 The Proposal

2.1 The application seeks planning permission for a change to the housing mix within the western section of Luneside West. 60 dwellings are proposed comprising 12 1-bed, 16 2-bed and 32 3-bed residential units. They replace 50 dwellings that were approved under the 10/00660/FUL consent. The previously approved road network within the site would not alter, but some new house types are being proposed as part of the development.

3.0 Site History

3.1 The most recent applications relating to the site and this application are:

Application Number	Proposal	Decision
10/00660/FUL	Residential development comprising 403 units, associated highways works, open space and landscaping	Permitted

14/00587/VCN	Residential development comprising 403 units, associated highways works, open space and landscaping (pursuant to the variation of condition 2 on planning permission 10/00660/FUL to amend house types on plots R105, R106, R108, R109, R110, R111, R113, R114 and R137)	Permitted
14/01084/VCN	Residential development comprising 403 units, associated highways works, open space and landscaping (pursuant to the variation of condition 2 on planning permission 10/00660/FUL to amend house types on plots 124, 125, 126 and 127)	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No comments received within the statutory consultation period.
County Education	No contributions sought towards school places.
Environmental Health	No objection subject to a condition relating to the hours of construction. Comments previously made on contaminated land.
Environment Agency	No objection subject to conditions relating to the development being implemented in accordance with the Flood Risk Assessment, requirement for a surface water drainage scheme, and remediation of contaminated land.
United Utilities	No comments received within the statutory consultation period.
Police	Consideration should be given to locks for doors and windows, boundary treatments, gates and external lighting.
Civic Society	No objection to the proposed modifications.
Lune River Trust	No specific comments other than that The Trust expects the Environment Agency, United Utilities and Environmental Health will address all issues associated with flood risk management, drainage and sewage thus insuring there are no negative impacts on the River Lune.

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. 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** - 12 core land-use planning principles

Paragraph **49** and **50** - housing

Paragraphs **56, 58 and 60** - good design

Paragraphs **100** and **103** - flood risk

6.2 Core Strategy

SC1 – Sustainable development

E1 – Environmental capital

6.3 Development Management DPD

DM35 – Key design principles

DM38 – Development and flood risk

DM39 – Surface water run-off and sustainable drainage

DM41 – New residential development

6.4 Local Plan (saved policies)

EC5 – Existing employment areas

7.0 Comment and Analysis

7.1 The key material considerations are:

- Principle of residential development on an allocated employment site
- Provision of affordable housing
- Design and layout
- Flood risk
- Contamination

7.2 Principle of residential development on an allocated employment site

The application site falls within Luneside Employment Area as defined by the Local Plan. This application seeks planning permission for residential development, which is clearly a departure from the Development Plan. However, the site already benefits from planning permission for residential purposes, and this application is simply seeking to make some amendments to the approved residential scheme. For these reasons the principle of development is acceptable.

7.3 Provision of affordable housing

The application 10/00660/FUL was approved subject to 20% affordable housing provision across the site – a reflection of the market at the time and the costs associated with remediation (contamination) and raising ground levels (flood risk). However, at the time that consent was granted the Homes and Community Agency were endorsing a form of affordable housing provision that was being applied for by the applicant, but the Council was not comfortable with, yet had no grounds to reject. Through recent discussions and negotiations with the applicant, the current application now proposes a different housing mix, including tenures for the affordable housing units that are acceptable to the Local Planning Authority. Whilst the level of provision across the site remains at 20%, this is considered to be an acceptable compromise given that the applicant is now seeking to provide a more appropriate tenure mix of social rented and shared ownership properties. It should also be noted that the costs of works associated with flood risk and contamination remain on this part of the site, and are not simply dealt with as part of the earlier consent.

7.4 Design and layout

As stated in section 2, there are no changes proposed to the internal road network and therefore the general layout of the site remains as per the 10/00660/FUL consent. However, the applicant is seeking to remove 50 of the approved housing plots and replace them with 60 new dwellings. Some of these new dwellings are the “cottage styled” apartments that externally appear to be designed as houses, but are actually 1-bed flats one above the other but with their own front door at ground level. The applicant to date (with the exception of the properties facing onto New Quay Road) has sought to develop 1930s styled housing (their heritage range), but this application seeks to introduce some contemporary styled house types, more akin to the modern approach adopted on other parts of the site. These house types and their proposed palette of materials are acceptable.

7.5 Flood risk

The 10/00660/FUL application was approved subject to specific requirements from the Environment Agency, including finished floor levels, surface water drainage and flood evacuation procedures. These are still relevant to the current application as this proposal forms part of the wider site. It is therefore important that these requirements are repeated as conditions on any consent granted.

7.6 Contamination

The 10/00660/FUL application was approved subject to specific requirements from the Environment Agency and Environmental Health, including agreeing remediation strategies, checking imported

material, soil and hardcore, and the prevention of new contamination. These requirements are still relevant to the current application as this proposal forms part of the wider site. It is therefore important that these requirements are repeated as conditions on any consent granted.

8.0 Planning Obligations

8.1 Whilst this is a stand-alone planning application in reality it is intrinsically linked to the wider Luneside West site. It is therefore essential that if planning permission is granted for these 60 dwellings that the consent is tied into the legal agreement attached to planning permission 10/00660/FUL. However, as there have been positive changes to the proposed tenure mix of the affordable housing offer since the original application was granted, the affordable housing schedule and descriptions within the existing legal agreement attached to planning permission 10/00660/FUL will need to be updated to allow for 20% provision of social rented and shared ownership dwellings within the Redrow phases.

9.0 Conclusions

9.1 This application only proposes a net increase of 10 dwellings within an existing residential development.

Recommendation

That Planning Permission **BE GRANTED** subject to the signing and completing of a legal agreement covering:

- Tying the planning permission into the legal agreement attached to planning permission 10/00660/FUL
- Updating the affordable housing schedule and descriptions within the legal agreement attached to planning permission 10/00660/FUL to allow for 20% provision of social rented and shared ownership dwellings within the Redrow phases

and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans - list
3. Materials – as per the approved schedule
4. Access roads
5. Off site highway works
6. Parking facilities – to be provided for associated dwelling prior to first occupation of that dwelling
7. Travel Plan
8. Separate drainage system
9. Surface water management scheme
10. Flood Risk Assessment, including finished floor levels
11. Flood evacuation procedure
12. Use of garages
13. Removal of PD rights
14. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)
15. Air quality mitigation
16. Contamination
17. Construction management plan, including dust control, wheel cleaning facilities, pile driving, bunding of tanks
18. Invasive plants - treatment
19. Refuse and cycle storage for flats
20. Archaeology

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

For the reasons stated in the report, this proposal departs from policies within the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that on this occasion these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

In reaching this recommendation the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

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.