

Agenda Item A10	Committee Date 7 April 2015	Application Number 14/01309/VCN
Application Site 119 Main Road Bolton Le Sands Lancashire LA5 8DX	Proposal Construction of 12 apartments (pursuant to the variation of condition 3 by way of amended plans and the removal of conditions 4 and 5 in relation to affordable housing provision and removal of conditions 6 and 7 in relation to sheltered accommodation for people over 55 years on previously approved application 11/01037/RENU)	
Name of Applicant Daffodil Homes Ltd	Name of Agent Harrison Pitt Architects	
Decision Target Date Formal extension of time until 28 April 2015	Reason For Delay Awaiting further information	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The site is located within the centre of Bolton-le-Sands on the east side of Main Road. It relates to part of the grounds associated with the former vicarage, situated to the north of the site. It was previously used a children's home before being converted to two dwellings. An additional dwelling was also constructed adjacent to this, to the north east of the site. The site and these properties are served by an access road which was created to serve these dwellings. The grounds of the former vicarage are enclosed by a tall boundary wall and contain a number of mature trees which are subject to a Tree Preservation Order. The site is also located within the Bolton-le-Sands Conservation Area and the Countryside Area, as identified on the Local Plan Proposals Map. The land to the south east of the application site forms part of the North Lancashire Green Belt.

2.0 The Proposal

- 2.1 Consent is sought for the variation of conditions on the previously approved application for 14 apartments on the site. There are some modifications in the design and layout, including the reduction in the number of units from 14 to 12, which require the variation of condition 3 relating to approved plans. Conditions in relation to affordable housing provision and the restriction of the accommodation to people over 55 are also proposed to be removed.

3.0 Site History

- 3.1 The site has a limited planning history, because any alterations and extension in association with the children's home would have been undertaken as permitted development by Lancashire County Council. The only recent application was an outline application for 16 houses submitted by Lancashire County Council in 2002 (02/00305/OUT). The application was refused in May 2002, on the grounds of poor highway layout, parking provision and the loss of trees/impact upon the Conservation Area.

More recent planning history is set out below:

Application Number	Proposal	Decision
07/01407/FUL	Conversion of former children's home to 2 dwellings, demolition of staff dwelling and erection of 1 dwelling	Approved
08/00883/CU	Change of use of barn to office and garage	Approved
08/00803/FUL	Construction of 14 no. apartments	Withdrawn
08/01145/FUL	Construction of 14 no. apartments for use/sale to over 55s	Approved
09/01003/FUL	Creation of 5 additional car parking spaces	Approved
11/01037/RENU	Renewal of application 08/01145/FUL for the construction of 14 no. apartments for use/sale to over 55s	Approved

4.0 Consultation Responses

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

Consultee	Response
Bolton le Sands Parish Council	Concerns raised over parking, access and loss of affordable housing provision.
Environmental Health	No objection
Tree Protection Officer	No objection
Conservation Officer	No comments received
County Highways	No objection
Canal and River Trust	No comments to make
County Council Planning - Education	Based upon the latest assessment, seek a contribution for 1 primary school place but none towards secondary school places.
County Council Minerals Planning	No comments received
Fire Safety Officer	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.

5.0 Neighbour Representations

5.1 None received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Paragraph 32 – Access and Transport
 Paragraphs 49 and 50 – Delivering Housing
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC5 – Achieving quality in Design

6.3 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
 DM22 – Vehicle Parking Provision

DM27 – Protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM45 – Accommodation for Vulnerable communities

6.5 Other Material Considerations

Meeting Housing Needs Supplementary Planning Document

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Affordable housing provision
- Local occupancy restriction
- Removal of age restriction
- Local occupancy restriction
- Scale, design and impact on Conservation Area
- Impact on residential amenity
- Parking provision
- Impact on trees
- Education contribution

7.2 Affordable housing provision

7.2.1 The application seeks to remove conditions 4 and 5 of planning consent 11/01037/RENU which relate to the provision of affordable housing on site. These conditions require 4 shared-equity units to be provided on site and an Agreement to be entered into covering the provision and maintenance of the affordable units. The level of affordable housing was 29% of the overall development. In order to justify this, a viability appraisal has been submitted, although this was only received after the application was submitted. There was a lack of evidence to support the figures put forward and as such further information has now been submitted. However, during the course of assessing this, it has been realised that the information relates to the 14 restricted occupancy retirement apartments rather than the 12 open market dwellings now proposed.

7.2.2 There are concerns that revenues have not been robustly evidenced. There is a discrepancy between the types and sizes of the developments considered in the appraisal and the actual proposed development. The submitted supporting report considers only new build retirement properties, and whilst this reflects the existing permission, it is understood that the applicant proposes to remove this restriction. Consequently, there are concerns that the Open Market Values arrived at are not satisfyingly robust. Notwithstanding this, the difficulty in valuing smaller flats in this area is recognised and there is limited information on comparable properties and so comparators from further afield are relied upon. As a consequence, the proposed market value put forward may transpire to be reasonable.

7.2.3 Following the receipt of further information in relation to build costs, it has been shown that Building Cost Information Service (BCIS) figures have been used which is an appropriate method for identifying a base build cost. The figures provided show that a median figure has been used. The applicant has subsequently added 10% to this base build cost to account for external works. This was not clear from the initial submitted viability appraisal and raises a number of questions, such as whether it is appropriate that 10% of all build costs (approximately £90,000) on this site will be for external works and is this amount likely to be accurate where development has already recently occurred on site. It is considered that a more detailed approach to external costs is warranted to ensure costs in relation to this are not unduly inflated. The report indicates that the cost of finance for the project should be in the region of 7.5%. It is considered that this can be achieved for less. However, it is unlikely that the discrepancy would significantly alter the outcome of the appraisal.

7.2.4 The land costs put forward are unacceptable. The developer seeks to apportion the historic costs

paid for the land according to the saleable floor space which can be provided by each area. Whilst this may sound equitable enough in theory, in practice what results is a very uneven distribution of the historic land acquisition costs towards the development under consideration, with 69% of land acquisition costs being borne by the second phase of development. There is no recognition that at the time of purchase the site had no permission and was occupied by a dwelling. It is considered that the costs paid were principally for the former vicarage and land immediately associated with it, plus some premium hope value associated with the remaining land now under consideration. The approach which the developer is now taking represents a revision of the reality at the time of purchase. Even if it is accepted that the developments should share the historic cost of land acquisition, there is no reason that the applicant's method should be preferred. From the information provided to accompany the proposal, it is clear that the split between the two sites, based on likely realisable revenues, would have been closer to 56%.

7.2.5 On the basis of the above it is considered that it has not been robustly demonstrated that affordable housing provision is wholly unviable. It is considered that inadequate information has been provided to form robust conclusions on these matters and there may be scope for the Council's adopted policies to be met.

7.2.6 It has also been set out reasons why the affordable housing could not be provided on site. The applicant has set out that the development comprising properties intended for elderly people may not be suited to Registered Providers (RPs) and so a contribution is more appropriate. Furthermore, the development will be managed by a separate management company so residents will have service charges which may make the development unappealing to both RPs and future RP residents. The first point is not relevant as the developer is seeking to remove any condition which would control the age of residents. On the second point it is agreed that the properties, because of the future access and management arrangements, may well be difficult to allocate to a RP. It is therefore considered that a financial contribution would be appropriate in this situation. To reiterate the comments above, it is not considered that sufficient evidence has been provided to demonstrate that any level of financial contribution would make the scheme unviable.

7.3 Removal of age restriction

7.3.1 The submission proposes to remove condition 6 which restricts occupancy of the units to 55 years and over. Although the Development Plan encourages the creation of accommodation to meet different needs, there is no policy justification for not allowing this condition to be removed given that Bolton-le-Sands is a location where new residential development is supported, as set out in policy DM42 of the Development Management DPD (DM DPD). As such the removal of this condition is acceptable but does potentially raise other issues.

7.4 Local Occupancy Restriction

7.4.1 Removal is also sought for Condition 7 which restricts all the units on the site to local occupancy, limiting them solely to persons already permanently resident within the administrative District of Lancaster City Council, its adjoining local authorities or directly connected by current family links with the District. Bolton-le-Sands is a location where new residential development would be supported, as set out in policy DM42 of the DM DPD, and there is no current policy basis to restrict the dwellings to local occupancy. However, it would be expected that, if affordable units were provided on site, they would be subject to a local occupancy clause.

7.5 Scale, Design and Impact on Conservation Area

7.5.1 The application seeks consent for some alterations to the previously approved scheme. The development will consist of a main three storey building with a central glazed element, and smaller two storey elements at either end. Most of the apartments will be accessed via the central door with the exception of the outer units which will be accessed via individual doors and external steps, in the case of two of the second floor units. The building is a similar length to that previously approved but is slightly wider. The internal alteration has been changed to reduce the number of units from 14 to 12 which has increased the floor area of some of the apartments. The previously approved scheme had a smaller central three storey section with longer two storey elements at either end. The current application increases the length of the central element from 17 metres to 23 metres across the front elevation but reduces the length and height of the two storey elements. This makes the central section of the building the much more dominant part. The building is still proposed to be finished in stone on the front and side elevations, with render on the rear, and have a slate roof. There are

additional external stairs proposed on either side elevation to provide access to the end two storey apartments.

7.5.2 The site is located within the Conservation Area but is set back from the highway within the confines of the grounds of the former vicarage. As such, it is not considered that the changes to the design will be detrimental to the character or appearance of the Conservation Area or the area in general.

7.6 Impact on Residential Amenity

7.6.1 The proposed alterations to the approved plans include the creation of an external staircase on both side elevations to provide access to the end units on the first floor. The plans show these with a glazed balustrade leading onto a balcony/terrace. To the north east of the site is a residential property. The creation of this access and balcony is likely to result in a loss of privacy to this neighbouring property. Given this, an amended plan has now been submitted which increases the height of the balustrade to 1.8 metres and shows this with obscure glazing. As such, it is not considered that there will be a detrimental impact on the amenities of this property.

7.7 Parking Provision

7.7.1 The original application on the site proposed parking for 7 cars, two constructed to mobility standard and 5 designed to Lifetimes Homes Standard. This was considered to be an acceptable level of parking provision given the age restriction on the properties. An application was granted in 2009 for an additional 5 spaces to serve this development but these have not been created. The applicant has set out that this has been implemented, however there is no evidence of this as the area is currently grassed and the curb line is still in place. The current application proposes the creation of 10 standard spaces to the front of the building, and 1 mobility space. An additional 4 spaces were proposed on the opposite side of the access track, in the location of the previously approved 5 additional spaces, in the form of a car port. However, it was discovered that these fell outside the boundary of the original application and as such could not be considered as part of the current application. In order to address this, a separate application has now been submitted.

7.7.2 The car parking standards set out in the DM DPD set a maximum of 2 spaces for 2 bedroom units. It would usually be expected that 1.5 spaces would be provided per unit to serve this type of development which would result in 18 spaces. It is also noted that Main Road in the vicinity of the site is already congested with parked cars – a concern raised by the Parish Council. The site is also very sensitive being located within the Conservation Area and containing a number of protected trees. As such, parking on the grassed areas within the grounds would be undesirable.

7.7.3 In response to the application, the Highways Officer set out that the application site is centrally situated within a highly sustainable location, in walking distance of a range of shops, public services and public transport routes. In terms of planning policy and guidance, while recently adopted Development Management policy emphasises the provision of adequate parking facilities such as to ensure that excessive levels of on-street parking are avoided, it is contended that, given the highly accessible location, with ready access to public transport services, that one space is sufficient and would not lead to a severe highway impact on surrounding areas of the public highway network. The Highways Officer also does not consider it to be likely that Main Road would be used as an overspill parking facility for residents, lying some distance from the application site. County Highways do not consider that the proposal would have a material impact on the operation or safety of the surrounding public highway network as a whole.

7.7.4 The comments from the Highways Authority are based on the four additional parking spaces provided by the carport. A separate application has now been received in relation to this, and if considered to be acceptable, it is considered that the two applications could be linked to ensure that there is sufficient parking to serve the development. This would need to be done by way of a Unilateral Undertaking. The applicant does consider that the previous consent for the five parking spaces has been implemented, however there is no evidence of this on site and as such it cannot be relied upon for the additional parking provision.

7.8 Impact on Trees

7.8.1 There are a number of trees covered by a Tree Preservation Order which are mainly towards the edges of the site and next to the access drive. The position of the building has moved slightly

towards the rear of the site but is still a sufficient distance from the trees which are located on a raised banking. The site has also seen a number of tree removals since the original planning application submission in 2008. As already set out above, there is potential for overspill parking adjacent to the access road, on the grassed area. This not only has the potential to impact on the character and appearance of the site but also to impact on the trees. County Highways suggested that a double curb could be installed to discourage parking. Given the sensitive nature of the site, which is within a Conservation Area, something less intrusive would be more appropriate. The curb to the access has also already been created. A bollard and chain system would be more sensitive to the character of the site and area in general and less intrusive on the trees. This could be controlled by an additional condition added to the consent.

7.9 Education Contribution

7.9.1 As the age restriction is proposed to be removed, Lancashire County Council has requested a contribution towards 1 primary school place. The response sets out that the contribution is directly linked to the development proposed and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for a child expected to live at the development. This has been calculated at £12,029.62. The response goes on to say that failure to secure the contributions sought would mean that the County Council cannot guarantee that children living in this development would be able to access a school place within a reasonable distance from their homes. The agent has been made aware of the request but has queried various aspects of this, including the methodology and how it relates to the development proposed. The County Council has been asked to respond to the queries raised and this will be reported at the meeting.

8.0 Planning Obligations

8.1 A Legal Agreement may be required to secure the financial contribution towards education, as requested by the County Council, to secure a financial contribution towards affordable housing, depending on further viability information, and to link this proposal to that for the carport.

9.0 Conclusions

9.1 Although the alterations to the layout and design of the scheme are considered to be acceptable, it has not been robustly demonstrated that the provision of affordable housing is wholly unviable. As such, the removal of the conditions in relation to affordable housing cannot be removed unless an appropriate alternative financial contribution is proposed or more detailed and robust information is provided to demonstrate that it would make the scheme unviable. The proposal is therefore considered to be contrary to policy DM41 of the Development Management DPD and the Meeting Housing Needs SPD in addition to paragraph 50 of the NPPF.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

Insufficient information has been provided in order to robustly demonstrate that the provision of affordable housing is wholly unviable. As such, the proposal is contrary to Section 6 of the National Planning Policy Framework, Policy DM41 of the Lancaster District Development Management Development Plan Document and the Meeting Housing Needs Supplementary Planning Document.

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:

In accordance with Article 31 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

The local planning authority has attempted to work proactively with the applicant/agent by requesting further information to help support the proposal. Regrettably has not addressed the concerns and the proposals are unacceptable for the reasons prescribed in this report.

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