

<b>Agenda Item</b> A16	<b>Committee Date</b> 7 April 2015	<b>Application Number</b> 14/01289/FUL
<b>Application Site</b> Land Adjacent To Westgate And Heysham Railway Branch Line Westgate Morecambe	<b>Proposal</b> Erection of 90 new dwellings with associated access	
<b>Name of Applicant</b> Chorley Community Housing	<b>Name of Agent</b> Mr Simon Halliwell	
<b>Decision Target Date</b> Extension of time agreed until.....	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approve subject to signing of legal agreement	

(i) **Procedural Matters**

This application is being reported back to Committee following the Members decision to approve the application last month subject to delegation back for the signing of the legal agreement and to address outstanding matters. The outstanding matters related to the submission of a highway plan to illustrate the Highway Authority's off-site highway requirements and to agree the extent of tree removal and replacement landscaping. In addition, it came to light following the Members' resolution to approve, that the Committee report inadvertently omitted two conditions from the recommendation relating to affordable housing and a local lettings plan despite the report being clear the scheme was an affordable housing scheme. Subsequently, the application is being reported back to update Members on the previous outstanding matters and to seek approval to insert these conditions.

As Members will be aware from the previous report, these schemes rely on central government funding to deliver the 100% affordable housing scheme. To secure the funding the developer has to be on site at the beginning of April (likely to be before this Committee), though they have indicated that a start on site for the purposes of releasing funding is different from a start on site in relation to commencing development. It is understood that no development *per se* would be carried out until permission is granted and relevant pre-commencement conditions are discharged.

**1.0 The Site and its Surroundings**

- 1.1 The application site relates to a 2.1ha parcel of land roughly triangular in form with its widest part fronting Westgate (approximately 207m) tapering to a point at the far northern end of the site. The site borders Westgate to its southwestern boundary, the Morecambe-Heysham railway branch along the northwestern boundary and the Globe Arena along the eastern boundary. The Hurley Flyer public house sits to the east of the site separated by a small section of scrub land. Opposite the site there are a number of residential and holiday caravan parks. Beyond the railway line the predominant land use is residential consisting mainly two-story semi-detached properties, though there are a couple of dormer bungalows backing the site.
- 1.2 The site is approximately 850m from the West End local centre and circa 1.3km to Morecambe Town Centre. Westgate links to the A589 (Morecambe Road) to the east and again to the A589

(Marine Road West) on the coast to the west. Access to public transport is good with bus services running along Westgate regularly to the centre of Morecambe. The train station is situated approximately 1km to the north of the site (as the crow flies). There is a public right of way (FP23) on the opposite side of Westgate close to the junction with Westcliffe Drive which provides access to a network of footpaths heading out towards the Lune estuary.

- 1.3 Westgate itself rises over the railway line along the site frontage. On the site there is a small embankment which sits up against Westgate and quickly flattens out. The remainder of the site is pretty level. The land itself once formerly fields has remained vacant for some considerable time and is now taken over to dense scrubland and grassland with trees formed along two of the site's boundaries. Steel palisade fencing enclose the site on all boundaries.
- 1.4 The site is largely unconstrained. It is located within the main urban area of Morecambe adjacent to existing development; it is outside any conservation area designation with no listed building in the vicinity of the site likely to be affected by the proposal; there are no protected trees on site or bordering the site and the site falls within flood zone 2. In terms of land allocations, the site has a long standing allocation as a housing opportunity site.

## **2.0 The Proposal**

- 2.1 Full planning permission is sought for the redevelopment of the site to provide 90 residential units (equating to 42 units per hectare) with associated access off Westgate close to the location of the existing field access. The scheme is 100% affordable housing supported by central government funding.

- 2.2 The breakdown of accommodation comprises the following:

21 x 2-bedroom dwellinghouses  
26 x 3-bedroom dwellinghouses  
5 x 4-bedroom dwellinghouses  
1 3-bedroom bungalow  
6 x 2-bedroom bungalows  
1 x 1 bedroom bungalow  
16 x 1-bedroom apartment  
14 x 2-bedroom apartment

All dwellings shall be designed and constructed to meet Code 3 of the Code for Sustainable Homes.

- 2.3 The development is arranged around an internal loop road arrangement with the bungalows located in the central core of the site. The principal apartment block is two storey in height fronting Westgate to the east of the proposed access. This block is over 50m in length with a maximum ridge height of approximately 8.7m. The height of the block gradually steps down towards the Hurley Flyer public house with discrete steps along the frontage to break up the massing of the building.
- 2.4 Apartment Blocks B and C are located to the rear of the site. Both of these blocks are two-storey (maximum ridge height to 7.7m). Block B has its rear elevation facing the rear of the Globe Arena and Block C backing the railway line. Parking courts are located to the south of these two blocks. Amenity space has been provided to the north of Block C providing some greening and open space to the development.
- 2.5 The dwellinghouses are predominately pairs of semi-detached units facing into the central core of the site on the west side of the internal loop road. To the east of the loop road the dwellinghouses are arranged into courtyards with the side elevations of the end units siding the Globe Arena. The majority are all two-storey units with the exception of the end units which act as 'bookends' and are three storey with dual aspects.
- 2.6 The proposal materials comprise of a mix of three contrasting bricks, concrete interlocking roof tiles, laminate cladding, such as Trespa, with grey UPVC windows and fascia/soffits.
- 2.7 A single vehicle access is proposed off Westgate opposite the junction into the regent Leisure Park. The new access will provide footways to both sides to provide suitable pedestrian access into the site also. The internal road layout is a loop arrangement with section of narrowing and change in

materials to act as traffic calming measures. The scheme proposes 174 parking spaces arranged around three parking courts and in-curtilage parking for dwellinghouses.

### **3.0 Site History**

3.1 The table below highlights relevant planning history on and adjacent to the application site:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
14/01294/EIR	Screening Opinion for the erection of 90 new dwellings and associated infrastructure.	Request completed Not EIA development
12/00907/VCN	Erection of pub/restaurant with ancillary residential accommodation (Use Class A4 and C3) (pursuant to the variation of condition 2 relating to the foot print of building and variation of condition 24 relating to opening hours)	Approved
12/00308/FUL	Erection of pub/restaurant with ancillary residential accommodation (Use Class A4 and C3)	Approved
09/01035/FUL	Revised application for the development of a football stadium and related accommodation, outdoor multi-sports area for club and community use and associated parking	Approved
08/00174/HYB	Hybrid Application for development of a football stadium and related accommodation, outdoor multi-sports area for club and community use, associated car parking and vehicular access and outline proposals for commercial development on Westgate frontage including hotel, food and drink, drive through restaurant, Morecambe FC club shop, associated car parking and amenity space.	Approved
1/79/72	Renewal of outline planning permissions for the erection of 26 semi-detached bungalows, 38 semi-detached houses, 3 detached houses, 12 self-contained flats and 12 garages and off-street parking	Refused
1/78/1097	Amended layout for the siting of seventy nine dwellings	Approved
1/75/1227	Outline application for the erection of 26 semi-detached bungalows, 38 semi-detached houses, 3 detached houses, 12 self-contained flats and 12 garages and off-street parking	Approved

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<p><b>No objections</b> subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Details of internal carriageway and connection to existing highway</li> <li>• Details of any requirements to re-profile or cut then existing embankment</li> <li>• Roads to be built to adoptable standards</li> <li>• Improvement/relocation of existing bus stop facility at Regent Caravan Park</li> <li>• Inclusion of ghost island vehicular right turn and pedestrian refuge</li> <li>• Construction method statement</li> <li>• Protection of visibility splays</li> <li>• Review and investigation of TRO in relation to parking within the site.</li> </ul> <p>Concerns have been raised in relation to highway drainage and management of parking within the site given existing parking problems associated with the football stadium. The above suggested condition should resolve such concern and drainage proposals are currently under review.</p>
<b>Environmental</b>	<b>Concerns</b> received in relation to inadequate noise assessment in relation to plots

<p><b>Health</b></p>	<p>1-16 and 67-82 and minimal assessment of light pollution and nuisance from the stadium. The developer has provided further information to address concerns. This is still under consideration.</p> <p>Subject to addressing the above, the mitigation measures set out in the noise assessment to be conditioned to secure acceptable living conditions for future occupants given proximity to football stadium - full glazing and ventilation details to be conditioned.</p> <p>Standard contaminated land conditions to be imposed.</p> <p>The developer has provided a site investigation report following these comments. At the time of writing this report, comments from the Contaminated Land Officer remain outstanding.</p>
<p><b>Network Rail</b></p>	<p><b>No objections</b> subject to a number of conditions:  Provision of an appropriate 1.8m high fencing along railway boundary including acoustic mitigation measures;  Details of drainage ensuring the site drains away from Network Rails assets;  Details of any earthworks, finished floor levels carried out near the railway line;</p> <p>Advice notes including the applicant contacting Network Rail Asset Protection Team with details of all works within 10m of their boundary, advisory notes in respect of noise, scaffolding, landscaping, noise (i.e. Network Rail will not be held liable for any noise and vibration from the railway line).</p>
<p><b>Strategic Housing Officer</b></p>	<p><b>No objections</b> – the scheme has already secured central government funding through the Homes and Communities Agency to deliver the development. The scheme delivers a mix of housing types and sizes that will meet the local housing need and welfare reforms, including bungalows. Given the location of the site in close proximity to existing affordable housing stock, the Council with the applicant would agree a Local Lettings Plan to ensure there is an appropriate mix of occupants on site to achieve a sustainable environment.</p>
<p><b>Environment Agency</b></p>	<p><b>No objection</b> subject to following conditions:</p> <ul style="list-style-type: none"> <li>• Development to be carried out in accordance with the FRA</li> <li>• Surface water drainage details</li> </ul>
<p><b>United Utilities</b></p>	<p><b>No objections</b> subject to a condition requiring details of the foul and surface water drainage. No surface water to drain to the existing sewer.</p>
<p><b>City Council Drainage Engineer</b></p>	<p><b>Concerns</b> about the proposed surface water drainage strategy. The surface water could drain to the existing drainage ditches and watercourse rather than the public sewer. This should be explored further and details of how surface water will be dealt with addressed prior to determination as the details could affect the layout.</p> <p>Further drainage proposals have been submitted and are currently under further consideration.</p>
<p><b>Tree Protection Officer</b></p>	<p><b>Initial objection removed</b> – since the submission of the application, vegetation clearance and tree removal has taken place on site. NOTE: the trees were not protected. This works accords with the originally submitted proposals that the Tree Officer had originally objected to. Since then, the developer has provided plans to mitigate for the tree loss along Westgate but has not provided plans showing replacement planting along the railway line. Notwithstanding this, it is accepted that appropriate landscaping and replacement tree planting can mitigate the tree loss on site. The Tree Protection Officer has indicated the following conditions would be required:</p> <ul style="list-style-type: none"> <li>• Tree works schedule and AMS</li> <li>• Tree Protection</li> <li>• AIA</li> <li>• Landscaping condition with 10 years maintenance</li> </ul>
<p><b>County Planning</b></p>	<p><b>No objections</b> subject to a contribution of £108,267 to go towards 9 primary school places.</p>
<p><b>Lancashire Constabulary</b></p>	<p><b>No objections to the principle but concerns raised over parking.</b> The adjacent football club results in excessive parking on the highway. The new development</p>

	would need to ensure appropriate parking restrictions are imposed to prevent football supporters visiting the club parking on the roads within the new development.
<b>Lancashire Fire Service</b>	Refer to requirements under Building Regulations
<b>Morecambe Town Council</b>	<b>No objections</b> subject to Highways being satisfied with the new junction, parking restrictions imposed to minimise parking issues that arise from, the adjacent Club on match days, conditions relating to flood risk (finished floor levels) and a management plan for the affordable housing.

## **5.0 Neighbour Representations**

5.1 Immediate neighbours have been notified in writing, together with three site notices posted in the area around the site and Globe Arena and an advertisement in the local press.

At the time of compiling the report 5 letters of objection have been received. The main reasons for opposition are as follows:

- Inappropriate location for residential development due to proximity to the football ground – noise, traffic and parking is horrendous on match days.
- Increase in traffic in the Westgate Area and dangerous junction proposals
- Impact on local infrastructure (schools/doctors)
- Impact on house values
- Increase in anti-social behaviour because of the type of housing proposed
- Detrimental impact to the character of the area
- The area is prone to flooding
- Lack of public consultation

Please note the consultation period for public consultation is still on going. A verbal update will be provided if additional letters are received.

A letter on behalf of Marston's Inns and Taverns has been submitted expressing concerns that additional residential development adjacent to their premises could place unreasonable restrictions on their operations which would affect the viability of their business. They have questioned the adequacy of the noise assessment on the basis of the time of year the assessment was undertaken (November). It does not cover the summer months when activities around the application site may be greater due to greater use of the premises external space. Subsequently, questioning whether the LPA can make an informed decision of the likely impacts of neighbouring uses on the proposed development.

In addition to the above, David Morris MP has written to the local planning authority expressing concerns on behalf of his constituents. The main areas of concern are as follows:

- Risk of flooding to surrounding Westgate area if the site is developed
- Parking problems in the area and additional pressure this will place on Police resources especially on match day
- Lack of school places at the local school

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework**

Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles

Paragraph 32 and 34 – Transport Considerations

Paragraphs 47-55 - Housing

Paragraphs 56, 57, 58, 60, 61 and 64 – Design

Paragraph 69 – Promoting Healthy Communities (place making)

Paragraphs 109, 117 – 119 and 123 – Conserving the Natural Environment

Paragraph 173 – Ensuring Viability and Deliverability

Paragraphs 186, 187, 196, 197, 203 -206 – Decision making

### **6.2 Lancaster District Development Management DPD**

Policy DM20 – Enhancing Accessibility and Transport Linkages

Policy DM21 – Walking and Cycling

Policy DM22 - Vehicle Parking Provision  
Policy DM27 – The Protection and Enhancement of Biodiversity  
Policy DM29 – Protection of Trees, Hedgerows and Woodland  
Policy DM35 – Key Design Principles  
Policy DM38 – Flood Risk  
Policy DM39 – Surface Water Drainage  
Policy DM41 – New Residential Development

6.3 Lancaster District Core Strategy  
SC1 – Sustainable Development  
SC4 – Meeting the Districts Housing Requirements

6.4 Lancaster District Local Plan  
Saved Policy H2 – Housing Sites in Previous Local Plans

6.5 Supplementary Planning Guidance (SPG)  
SPG 12 – Residential Design Code  
SPG – Meeting Housing Needs

6.6 Other Material Considerations  
National Planning Practice Guidance

## **7.0 Comment and Analysis**

7.1 The principal issues to consider in the determination of this application are:-

- Principle of development and housing need
- Access and parking considerations
- Layout, design and residential considerations
- Landscaping and Biodiversity
- Other considerations – drainage, flood risk, contamination

7.2 The application site is an allocated housing opportunity site as set out in saved policy H2 of the Lancaster District Local Plan. This site was an allocated site in the previous Local Plan too. The site is currently vacant consisting of scrub and grassland. Whilst it is technically greenfield land its condition and appearance is not particularly appealing. Areas of the land along Westgate have been used for dumping waste and litter creating a poor and unattractive environment. The redevelopment of the site will improve this current situation.

7.3 The delivery of housing is an important element of the National Planning Policy Framework. Specifically, paragraph 49 states that *'housing applications should be considered in the context of the presumption in favour of sustainable development'*. Where the Council cannot demonstrate a five-year housing supply relevant housing policies should not be considered up-to-date. In which case the key test is set out in paragraph 14 which states that for decision making: *'where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

7.4 This Council cannot demonstrate a five-year housing land supply and as such the above test applies. Securing 90 affordable units not only positively contribute to the Districts housing supply but would also significantly boost the Council's affordable housing targets set out in the Core Strategy. Addressing local housing needs through the delivery of affordable housing plays a fundamental role in achieving sustainable development. This proposal provides a good mix of housing types comprising mainly 1, 2 and 3 bedroom units. The scheme delivers 'cottage-style' flats for some of the smaller units which is something supported by the Council's Strategic Housing Officer. The delivery of bungalows is also something highly welcomed as these will target the over 55 years or those with mobility difficulties.

- 7.5 The proposed tenure is for 100% affordable rent which will be calculated at no more the 80% of the local market rent. Whilst our policy seeks a mix of tenures for affordable housing, mainly 50% social-rented and 50% intermediate, such as shared ownership, this proposal is quite unique. Firstly it is a 100% affordable housing scheme and secondly as it is supported and funded by the Homes and Communities Agency (central government). The scheme housing mix and tenure have been driven by the Homes and Communities Agency Affordable Housing Programme, specifically that their funding regime is based on affordable rented units; the local housing demand for affordable rented units in the area and the fact that the housing mix will help address the impacts of the Welfare Reform. The scheme has been discussed at the pre-application stage with Officers and supported by our Strategic Housing Officer.
- 7.6 In this case, Chorley Community Housing will provide the Council with 100% nomination rights for the initial letting of the 90 units and no few than 50% subsequent letters which will be advertised through the Council's Choice Based Lettings Scheme and prioritisation scheme. The Council and Chorley Community Housing will agree a specific lettings plan to ensure the right balance of tenants on site. This can be secured by planning condition.
- 7.7 Overall, the principal of residential development on this site is well established through the long standing housing allocation of the site. The scheme will also address a much needed housing need for the district as a whole and deliver affordable housing that will address local needs. In this sense, the proposal is complaint with the spirit of section 4 of the NPPF and DM41 of the Development Management DPD.
- 7.8 **Access and parking considerations**  
Policy DM20 states that the Council will seek to ensure development proposals, particularly those that will generate significant footfall and vehicle journeys, are located where sustainable travel patterns can be achieved and are located in close proximity to main transport routes. This is consistent with the guidance set out in the NPPF.
- 7.9 The proposed development is located in the urban area of Morecambe with good access to local services and public transport. The West End local centre is within 1km of the site with the nearest local school and children's centre less than 650m from the site. Regular bus services are available off Westgate with the closest bus stop only 120m from the site. The train station is approximately 1.7km from the site where there are regular services to Lancaster. With regards to cycle links, there is a local cycle route which directly passes the site where it links to the national cycle route (No.69) approximately 1.6km north-east of the site. Overall, the site is accepted to be positioned within a highly sustainable location – locations that can support new residential development.
- 7.10 In terms of the acceptability of the site access, the application has been accompanied by a detailed Transport Assessment (as advised at the pre-application stage) to demonstrate that a suitable and safe access can be provided, in accordance with paragraph 32 of the NPPF, and that the scale of development would not adversely affect the safe operation of the local highway network.
- 7.11 A traffic impact assessment has been undertaken which comprised detailed traffic surveys and modelling. This assessment indicates that the proposed residential development could potentially generate in the region of 35 tow-way trips in the AM peak hour and 41 two-way trips in the PM peak hour. To then assess that the local highway and the proposed junction can cope with this anticipated traffic generation capacity assessments have been undertaken. These assessments conclude that the development can be safely accommodated with minimal impact on the highway network. The Highway Authority have raised no questions or objections in relation to the assessment undertaken.
- 7.12 Turning to the proposed access, the applicant proposes a new access off the B5274 Westgate, which runs in an east-west alignment and is approximately 8-9 wide with footways to both sides. This road is subject to a 30mph speed limit. The access is proposed in a similar position to the field access directly opposite the access to Regent Caravan Park. The access road is 5.5m wide with footways either site with a junction radii of 10m. Visibility splays of 2.4m by 43m can be provided in both directions. County Highways have raised no objections to the location, dimensions or the proposed visibility splays for the new access.
- 7.13 The internal road layout consists of a loop arrangement making it more efficient for larger vehicles

to access and egress the site in forward gear. Selected areas of narrowing and changes in surface materials are proposed to provide traffic calming measures throughout the scheme. It is anticipated that the main internal loop road will be adopted with the parking courts remaining in private management. The precise details of the carriageway shall be controlled by condition.

- 7.14 Off-street parking shall be provided for 174 vehicles which equates to just short of 200%. The application indicates all space spaces will be provided for each dwellingshouse and 2-bed flats with 100% parking provision provided for the 2 bedroom flats and 1 bedroom bungalow. The level of provision is regarded acceptable given the nature of the proposal and the sustainable location. The Highway Authority have indicate the level of provision if adequate. On this basis, the scheme is compliant with policy DM22.
- 7.15 Parking issues in the area have been raised as a concern by local residents, the MP, the Police and the Highway Authority. It is understood that on match days in particular on-street parking on surrounding streets in the vicinity of the Globe Arena is problematic. Subsequently, the developer will have to provide a scheme for parking management which would involve the developer funding and investigating a range of Traffic Regulation Orders to limit on-street parking at the point of access and within the site. The development would also have to provide adequate management regimes to secure the private parking spaces are not abused by visitors tot eh football club on match days. It is contended that an appropriately worded planning condition to secure an appropriate scheme for parking management on site would be acceptable.
- 7.16 The Highway Authority has indicated that some off-site highway works would be required to ensure the proposal is acceptable, in accordance with paragraph 206 of the NPPF. The works required include the improvement and possible relocation of an existing bus stop on Westgate close to Regent Caravan Park and the setting out, laying and construction of a right turn ghost island in conjunction with pedestrian refuge facility. Such work can be delivered via condition and a s278 agreement under the Highway Act. Officers had requested a plan from the developer to reflect these works. Regretfully the developer has struggled to get any feedback from the Highway Authority to assist them design the works required. Subsequently, Officers are agreeable that this was only intended for clarity and can be controlled by condition.
- 7.17 Overall, the applicant has sufficiently demonstrated that the proposed development can be safely accessed, provides sufficient parking and is not going to adversely affect the safe operation of the local highway network. To deal with parking problems in the area, conditions are recommended to secure appropriate parking management on site particularly during match days. On this basis, it is contended that the proposal is acceptable from a highway safety perspective and that the development complies with paragraph 32 of het NPPF and policies DM20 and DM22.
- 7.18 **Layout, Design and Residential Amenity Considerations**  
The application site is positioned between a number of noise generating land uses including the Morecambe – Heysham railway line along the north-western boundary, the Globe Arena football stadium to the east, the Hurley Flyer public house to the south east and Westgate public highway to the south. Subsequently, the application has been accompanied with an acoustic report as assess the appropriateness of the site for residential purposes.
- 7.19 The assessment proposes mitigation specific to the adjoining uses. In each case the acoustic performance requirements of the building envelope will need to be improved though the use of specific acoustic glass and ventilation systems. This level of mitigation is acceptable for within the buildings and habitable rooms. For external amenity space, acoustic barriers are proposed along the boundaries with the Globe Arenac and Hurley Flyer and the railway line. The assessment indicates that Westgate where the road rises above the site would omit the need for an acoustic fence in this location. The assessment has also considered the noise generated from fixed plant at the Hurley Flyer and concludes this would not lead to an unacceptable impact on future occupants on the site. Representations from the adjacent public house have been made questioning the robustness of the submitted noise assessment, in particular that there has been no assessment of day/evening noise generated from the external areas of the public house especially during summer months. The applicant has been made aware of these representations and is considering the matter further. Their concerns are summarised above in the report but for information the Hurly Flyer operates in accordance with their planning permission which prevents opening between the hours of 0700 to 0030 Sunday to Thursday and 0700 to 0130 on Friday and Saturday.



- 7.20 The Council's Environmental Health Service have accepted the mitigation measures proposed but have sought further information in relation to the acoustic requirements along Westgate. They have raised no concerns over the compatibility of the site adjacent to the public house, railway or football stadium subject to the mitigation prescribed in the submitted report being secured by condition. The applicant is addressing the outstanding issues raised by Environmental Health and those raised by Marstons. A verbal update will be provided. Paragraph 123 of the NPPF clearly states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts. With the exception of the two outstanding matters, the applicant has demonstrated noise emanating from adjoining uses would not render the site unsuitable for residential development. As for the concerns raised by the adjacent public house, it is acknowledged that it is an established business and that new development adjacent to it should be appropriately mitigated to avoid existing businesses later having unreasonable restrictions imposed on them because of changes to the neighbouring land use. This will be further considered once the applicant has provided their response to these representation.
- 7.21 Turning to the layout and design: One of the core planning principles of the NPPF is to "*always seek to secure high quality design*" (paragraph 17). It continues by stating that "*good design is a key aspect of sustainable development and should contribute positively to making places better for people*" (paragraph 56). Development should respond to "*local character and history and reflect the identity of local surroundings and materials*" (paragraph 58). Development Plan policy requires new development to positively contribute to the surrounding townscape and reflect local distinctiveness.
- 7.22 The local area is not defined by a specific local building style or appearance and so the applicant has adopted a contemporary approach to the appearance of the proposed dwellings and the layout to the scheme in general. The use of brick as the principal material under interlocking roof tiles raises no significant issues. The clever use of contrasting brick and cladding to the facades helps articulate what could be relatively bland buildings. The well-designed 'bookend units' to each street addresses their dual aspect and adds interest to the street, along with the porch detail, large box window frames, contemporary dormer detail and the subtle variation in the design approach between the dwellings and the apartments. Such features create 3-dimensional relief to the street scenes and are fully supported. The mass of the apartment blocks are broken up by the use of porches or subtle changes in height as the units respond to the topography. The steps along the façade of block A also help add interest and reduce the overall bulk of this building. The submitted street scene drawings help demonstrate that this scheme will deliver high quality design which will create a strong sense of place. In relation to layout and design, it is contended that the proposal complies with paragraphs 55-58 of the NPPF and policy DM35 of the Development Management DPD.
- 7.23 The proposed layout also adequately demonstrates compliance with the residential amenity standards set out in the Development Management DPD. Separation distances between the proposed units are acceptable and the garden sizes are in general 10m in length as specified in policy DM35. With regards to proximity to existing dwellings, the main bulk of existing residential development is on the opposite side of the railway line and so sufficiently far enough away not to be affected by the proposal. In respect of existing and future amenity, the proposal complies with paragraph 17 of the NPPF and policy DM35 of the Development Management DPD.
- 7.24 **Landscaping and Biodiversity**  
There are no tree preservation orders, or conservation area constraints affecting trees within the site proposed for development or on any immediately adjacent land. The site does not lie within an Area of Outstanding Natural Beauty. Site in question is characterised by hedgerows and areas of scrubland, much of which can be seen from the public domain. Trees and hedgerows within the site provide important greening and partial screening, including from the railway branch line to the north, public highway to the south and Morecambe Football Club to the east.
- 7.25 The applicant has submitted an Arboriculture Implications Assessment, dated October 2014. A total of 4 No. groups of trees and 9 No. individual trees have been identified, including tree species of hawthorn, sycamore, alder, willow and lime. Within the submitted report, trees are reported to be of "low value" (category C) and as such, should not represent a constraint to development. Whilst the Tree Protection Officer does not disagree with these conclusions, collectively, particularly along the Westgate and railway boundaries, these trees provide invaluable greening as

well as creating a buffer to the development, absorbing noise and pollution not to mention their wildlife value. On this basis, the Council's Tree Protection Officer had objected to the proposals. The applicant had indicated that they will revise the plans to retain more trees along the railway and Westgate boundaries in order to resolve the Officers' concern and submitted plans to this effect. Regretfully, however, the developer's contractors when undertaking vegetation clearance (including tree removal) were not made aware of the revised proposals and worked to the scheme as originally submitted. Please note that such clearance work would not amount to development and as such the local planning authority could not have prevented it or controlled it. Whilst this is disappointing the loss of trees on site would not outweigh the benefits of the proposal and suitably worded conditions requiring replacement planting would provide adequate mitigation. The Council's Tree Protection Officer has accepted this situation and requested a number of conditions.

- 7.26 The proposal landscaping submitted around and within the site consists of defensible planting used to soften the landscape and break up the large expanses of parking. The scheme also provides ample open green space in the form of amenity areas and landscaping around the apartments and gardens to each of the dwellings. The provision of green space and open space contributes to wellbeing and supports the social dimension of sustainable development. The details provided in relation to landscaping are generally acceptable but in light of recent events do not sufficiently mitigate tree loss that has occurred on site. Subsequently, a condition will be required seeking a full detailed landscaping plan for the whole site.
- 7.27 With regards to biodiversity, the NPPF clearly states that the planning system should contribute to and enhance the national and local environment...by minimising impacts on biodiversity and providing net gains where possible. This is echoed in local planning policy DM27. The applicant has submitted an extended phase 1 habitat survey and bat report with their submission. This confirms that the site comprises a number of habitat types, including dense scrub, semi-natural woodland and poor semi-improved grassland. It has also assessed the use and potential use of the site by protected species such as bats, breeding birds and badgers. Furthermore it assesses the proposal in relation to nearby internationally designated sites, including Morecambe Bay SPA/RAMSAR/SAC.
- 7.28 The assessment concludes that no protected species were found on site but that mitigation and further surveys are recommended. This includes repeat badger survey before the commencement of development, additional activity surveys and the assessment of trees for bat roosts in relation to bats, clearance of any trees, hedges, grassland being carried out outside the bird breeding seasons, together with native planting and sensitive lighting to enhance the ecological value of the site.
- 7.29 On the whole these recommendations are acceptable, with the exception of the recommendations set out for protected bats. The Council have a statutory duty in relation to assessing the implications of development proposals on the conservation status of protected species under European legislation. The authority cannot determine an application without understanding the true impacts of the proposal on bats and whether mitigation is required.
- 7.30 The developer has undertaken a bat report which is not consistent with the recommendations set out in the Phase 1 ecology statement. The trees identified in the phase 1 report as having low potential have been reassessed by a professional ecologist and licenced bat consultant. Their surveys concluded trees on site offer no significant opportunity for bats roosts and no evidence of any roosts were recorded. Subsequently, in accordance with the Bat Conservation Trust guidance (figure 4.1) no survey effort is required. The applicant's bat consultant provided further explanation in relation to the level of assessment and survey effort needed and confirmed that on further examination of the trees on site, there was no required to undertake activity surveys. On this basis, Officers are satisfied that the proposal would not adversely affect protected bat species, provided appropriate biodiversity enhancement measures are incorporated into the scheme, such as bat boxes, bat bricks and native landscaping. A condition is recommended to this effect.
- 7.31 **Other issues – Drainage, Flood Risk and Contamination**  
National and local planning policy advocates the SuDS hierarchy, as does the Environment Agency and United Utilities. The developer has submitted a flood risk assessment and drainage strategy to demonstrate the site can adequately drain and would not cause a floor risk on site or elsewhere. This strategy relies on the surface water draining to the public sewer at greenfield run-

off rate. This is contrary to the SuDS hierarchy and conflicts with the consultation response received from United Utilities which states that the surface water should not drain to the public sewer. United Utilities have raised no objection but requested a condition to this effect. It is contended that it is not appropriate to condition the details of surface water drainage unless there is a feasible strategy in place. Our own drainage engineer had objected and requested further information to justify their position that the surface water cannot be accommodated on site or drain to the nearby watercourse. Further information has been provided which has satisfied our engineer that despite a low discharge rate the watercourse is not in a condition that would ideally accommodate the surface water and as such draining to the public sewer may be the only solution. United Utilities have accepted this position and recommended a condition which shall restrict the discharge of surface water to the public sewer.

7.32 With regards to contamination, a Phase 2 report has been submitted and considered by the Council's Contaminated Land Officer. There remain some areas of dispute between the applicant and our own contaminated land officer. It has been agreed that our standard contaminated land conditions be imposed and that any outstanding matters be addressed at the condition stage.

## **8.0 Planning Obligations**

8.1 As this is a 100% affordable housing scheme, officers are satisfied that the occupancy of the properties for affordable housing can be controlled by condition rather than legal agreement. In terms of other requests, County Education have assessed the scheme based on their adopted methodology and concluded that there would be a shortfall of primary school places and that a contribution of £108,267 is required. The developer has confirmed they will be paying this contribution. A legal agreement has been prepared and agreed between all the relevant parties and is due to be signed shortly and in advance of the April planning committee to enable the decision to be issued immediately.

## **9.0 Conclusions**

9.1 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development encompasses an economic, social and environmental role and that these roles are mutually dependant. This proposal presents an opportunity to redevelop a vacant and untidy site in a highly sustainable location which is currently allocated as a housing opportunity site. The proposal will contribute to the District's under supply of housing and will provide much needed affordable housing in the city. In accordance with paragraph 49 and 14 of the NPPF, the delivery of housing in a sustainable location carries significant weight and for decision making this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal. On this basis, Members are advised to support the proposal.

## **Recommendation**

That, subject to the signing and completing of the required Legal Agreement, Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Limit
2. Development in accordance with the approved plans
3. Affordable Housing
4. Local Lettings Plan
5. Details of internal carriageway and connection to existing highway - roads to be built to adoptable standards
6. Details of any requirements to re-profile or cut then existing embankment
7. Off-site highway works - Improvement/relocation of existing bus stop facility at Regent Caravan Park/ Inclusion of ghost island vehicular right turn and pedestrian refuge
8. Protection of visibility splays
9. Parking provision to be provided before occupation
10. Scheme for traffic and parking management on site
11. Construction Management Plan (including wheel washing/road sweep facilities as required by Members at March meeting)
12. External facing materials and samples to be agreed
13. Precise details of windows/doors and their frames, dormer detail/porch canopies/refuse enclosures

14. Notwithstanding details submitted, details of boundary to be submitted, agreed, implemented and maintained at all times.
15. Development to be carried out in accordance with the FRA
16. Finished floor levels to be provided
17. Surface and foul water drainage details - surface water restricted to 7.2l/s to public sewer
18. Noise mitigation measures to be submitted, agreed and implemented.
19. Tree works schedule and AMS
20. In accordance with AIA (Oct 2014)
21. Notwithstanding details submitted, landscaping scheme to be submitted, agreed and implemented including 10 years maintenance.
22. Standard contaminated land condition (Site investigation to be provided)
23. Standard contaminated land condition (Importation of material)
24. Ecological mitigation and enhancement to be implemented
25. Removal of PD rights (Parts 1 (excluding class H), Part 2 and Part 40.

### **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:

The local planning authority has and continues to proactively work with the applicant/agent in negotiating amendments which should positively influence the proposal and secure a development that accords with the Development Plan and the National Planning Policy Framework.

### **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