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| Agenda Item A15 | Committee Date 29 June 2015 | Application Number 15/00432/VCN |
| Application Site 119 Main Road Bolton Le Sands Lancashire LA5 8DX | Proposal Construction of 12 apartments (pursuant to the variation of condition 3 and removal of conditions 6 and 7 on planning permission 11/01037/RENU to amend the design and remove occupancy restrictions) | |
| Name of Applicant Daffodil Homes Ltd | Name of Agent Harrison Pitt Architects | |
| Decision Target Date 14 July 2015 | Reason For Delay None | |
| Case Officer | Mrs Eleanor Fawcett | |
| Departure | No | |
| Summary of Recommendation | Approval | |

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 District's Countryside Area, as identified on the Local Plan Proposals Map.

2.0 The Proposal

- 2.1 Consent is sought for the variation and removal 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 6 and 7, which are proposed for removal, relate to the restrictions of the accommodation to people over 55 and local occupancy.

3.0 Site History

- 3.1 The site has a limited planning history, because any alterations and extensions 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 overleaf.

| 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 |
| 14/01309/VCN | 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) | Refused |
| 15/00291/FUL | Erection of a single storey car port and bin store and erection of site entrance gates | 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 | No comments received |
| Environmental Health | No objection |
| Tree Protection Officer | No comments received |
| Conservation Officer | No impact on the character or significance of the Conservation Area or adjacent Listed Building |
| County Highways | No objection |
| Canal and River Trust | No comments to make |
| County Council Planning - Education | No comments received |
| 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 No comments 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:

- 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 Removal of age restriction

7.2.1 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.

7.3 Local Occupancy Restriction

7.3.1 Removal is also sought for Condition 7 which restricts all the units 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 is supported by Development Plan Policy, and there is no current policy basis to restrict the dwellings to local occupancy. However, it would be expected that the affordable units would be subject to a local occupancy clause.

7.4 Scale, Design and Impact on Conservation Area

7.4.1 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 17m to 23m 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.

7.4.2 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.

7.5 Impact on Residential Amenity

7.5.1 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.

7.6 Parking Provision

7.6.1 The original application on the site proposed parking for 7 cars, 2 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 current application proposes the creation of 10 standard spaces to the front of the building, and 1 mobility space. An additional 4 spaces have recently been granted consent 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. These are outside the boundary of the original application and as such needed to be dealt with by a separate application, but a condition can be added to link it to this development as both application sites fall within the applicant's ownership.

7.7.2 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 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. 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. The development would be served by a total of 15 spaces and no objections have been raised by County Highways. Although it is lower than would usually be expected, the Highways Officer does not consider that there will be a detrimental impact on highway safety and it would be difficult to resist the proposal on these grounds.

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 No comments have yet been received from Lancashire County Council. However, on the previous submission they requested a contribution towards 1 primary school place given the removal of the age restriction. 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 previously been made aware of the request but queried various aspects of this, including the methodology and how it relates to the development proposed. The County Council provided a response to this defending its methodology and how it meets the NPPF tests for planning obligations.

- 7.9.2 The previous application to remove conditions from the consent in 2011 included those relating to affordable housing. The application was refused on the grounds that insufficient information had been provided in order to robustly demonstrate that the provision of affordable housing was wholly unviable. However, it did not relate to the lack of provision towards education. As such it would be unreasonable to introduce this as a reason for refusal and would be difficult to defend as it had not been refused on this basis previously.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 The alterations to the layout and design of the scheme, and the removal of the age restriction on the development, are considered to be acceptable. A financial contribution has not been proposed towards the provision of education places. However, as this was not part of the refusal reason for the previous application it is not considered to be a substantial reason to refuse the current proposal.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

- 1 List of approved plans
- 2 Affordable Housing provision
- 3 Agreement covering provision and maintenance of affordable units
- 4 External finishes as agreed
- 5 Heads, cills, balconies, windows/doors, rainwater goods as agreed
- 6 Energy Efficiency
- 7 Level 3 code for Sustainable Homes
- 8 Provision of cycle and refuse stores (latter approved by 15/00291/FUL)
- 9 Car parking provided including that approved by 15/00291/FUL
- 10 Mortar specification
- 11 Hours of construction
- 12 Separate foul and surface water
- 13 Surface water management scheme
- 14 Wheel cleaning facilities
- 15 Retention of tree protection measures during construction works
- 16 Unforeseen soil contamination
- 17 Scheme to prevent parking on the grassed area within the site

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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