

Agenda Item A10	Committee Date 27 July 2015	Application Number 15/00520/VCN
Application Site Greaves Hotel Greaves Road Lancaster Lancashire	Proposal Erection of 54 extra care apartments for the over 70s (use class C2) with associated landscaping & car parking (pursuant to the variation of conditions 2, 6 and 13 on planning permission 12/00632/FUL to amend the layout of the parking and external amenity space)	
Name of Applicant YourLife Management Services Ltd	Name of Agent Mrs Lorna Lloyd	
Decision Target Date 14 August 2015	Reason For Delay N/A	
Case Officer	Mr Daniel Hewitt	
Departure	No	
Summary of Recommendation	Approve	

(i) Procedural Matters

This application is a variation of planning conditions previously imposed on the grant of planning permission for the redevelopment of the site (approved at planning appeal). Further details are set out in this report, but the principle of the redevelopment has been established by the planning permission.

1.0 The Site and its Surroundings

1.1 The application site relates to the former Greaves Hotel located approximately 1km south of Lancaster City Centre. The site is a rectangular shaped parcel of land covering 0.32 hectares with its primary frontage onto Greaves Road (A6) on its eastern boundary with secondary frontages onto Brunton Road to the north and Ash Grove to the west. The main vehicular access is off Ash Grove. The area surrounding the appeal site is predominantly residential with some commercial activity mostly at ground floor level in properties on the same side of Greaves Road. On the opposite side of Greaves Road lies the Greaves Road Conservation Area that contains terraces of fine, mid to late nineteenth century houses which, due to the local topography, stand prominently above the main road behind short front gardens and an elevated access road, Belle Vue Terrace.

2.0 The Proposal

2.1 The development is an assisted living scheme for the elderly (over 70's) over five storeys with a total floor area of 5,270 square metres. The accommodation comprises 54 "extra care" apartments - 34 one bedroom and 20 two bedrooms units, together with communal facilities including a residents lounge, function room, restaurant/kitchen, laundry, staff accommodation, refuse, cycle and scooter storage. This is a specialist form of accommodation designed to provide independent living for the frail elderly with day to day care in the form of domestic assistance, personal care and lifestyle support tailored to the owners' individual needs which is paid for through a service charge. The "extra care" concept enables the frail elderly to buy in care packages to suit their needs as they change over time. The average age on entry to the Assisted Living schemes operated by the applicant is 83 years.

- 2.2 Development has already commenced and the majority of the former hotel building has been demolished with only the retained façades on the site's north eastern corner remaining. It is important to note that the remainder of the site lies several metres below the level of Greaves Road behind retaining walls.
- 2.3 The applicant is seeking approval of a minor material amendment to the existing planning permission arising from the unanticipated need to incorporate a single storey sub-station building and leave a strip of land approximately 2.7 metres deep adjacent to 144 Greaves Road in the south western corner of the site that is not in the applicant's ownership. If approved, a new 'stand-alone' consent would be granted, for a revised development incorporating these elements.
- 2.4 The single storey substation is the subject of a separate application (ref: 15/00521/FUL) but clearly its addition requires the approved scheme to be amended to accommodate it and the inclusion of the retaining wall.
- 2.5 The sub-station is a relatively small, single storey building with a hipped roof with an internal floorspace of 16.3m². The primary facing and roof materials used would be stone and slate to match the main building. The sub-station would be located adjacent to the blank gable of 1 Ash Grove ensuring no undue impact on residential amenity would occur.
- 2.6 The 2.7 metre deep strip of land running parallel to 144 Greaves Road's retaining wall is now excluded from the scheme.
- 2.7 Clearly, the additional land take arising from the inclusion of the sub-station and loss of land outside the applicant's ownership requires amendments to the layout. The proposed, revised layout retains the same number of on-site parking spaces (23) but does result in a significant reduction in the amount of outdoor amenity space for future residents at the rear of the building.

3.0 Site History

- 3.1 The site has a long and complex planning history relating to its former use. The decisions relevant to this application are the extant planning permission granted at appeal for the comprehensive redevelopment of the site and the parallel full application for the proposed sub-station as follows:

Application Number	Proposal	Decision
12/00632/FUL	Erection of 54 extra care apartments for the over 70s (use class C2) with associated landscaping & car parking	Allowed on appeal Appeal ref: APP/A2335/A/13/2195739
15/00521/FUL	Erection of an electrical substation	Decision pending

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objection
County Highways	No objection
Tree Officer	No objection
Lancaster Civic Society	No response to date.

5.0 Neighbour Representations

- 5.1 Three representations, all objections, from two local residents have been received. Their objections are summarised as follows:

- The proposals result in over-development;
- Insufficient car parking spaces are provided and will result in on-street parking pressures – two spaces per apartment should be provided equating to 108 spaces;
- The proposed building is too high, will overshadow neighbouring houses and be harmful to the health of local residents;
- Construction traffic is soiling the highway, damaging the road surface and resulting in structural damage to neighbouring houses;
- The applicant always knew a sub-station would be required;
- Non-compliance with conditions on the original planning permission:
 - demolition of more of the original building than agreed;
 - removal of all trees from site, despite some being protected;
 - no provision of parking for construction workers creating on-street parking problems;
 - closing parts of the public highway without the requisite consent;
 - no wheel washing facilities on site; and
 - construction hours of operation not being adhered to.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 17 - Core Principles

Paragraphs 32, 34, 35 and 39 - Sustainable Transport

Paragraphs 47-55 – Housing

Paragraphs 56, 57, 61, 62 - Design

Paragraph 69 - Communities

Paragraph 109 – Natural Environment

Paragraph 111 – Re-using previously developed land

Paragraph 118 – Biodiversity

Paragraphs 120-125 – Pollution control

Paragraphs 126-141 – Conserving and enhancing the historic environment

Lancaster District Core Strategy (LDCS)

Policy SC1 - Sustainable Development

Policy SC2 - Urban Concentration

Policy SC4 - Meeting the District's Housing Requirements

Policy SC5 - Achieving Quality in Design

Policy SC6 - Crime and Community Safety

Policy E2 - Transportation Measures

Development Management (DM) DPD

NPPF1 – Presumption in favour of sustainable development

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Vehicle Parking Provision

DM27 – Protection and Enhancement of Biodiversity

DM29 – Protection of Trees, Hedgerows and Woodland

DM31 – Development affecting Conservation Areas

DM35 – Key Design Principles

DM41 – New Residential Development

DM45 – Accommodation for Vulnerable Communities

Other relevant planning policies and documents

Meeting Housing Needs SPD

National Planning Practice Guidance

7.0 Comment and Analysis

7.1 Given this application is a minor material amendment to an extant planning permission, the main issues relevant to the determination of this application are as follows:

- Principle of development
- Impact of the proposed changes on the setting of the Greaves Road Conservation Area
- Car parking provision
- Loss of outdoor amenity space and landscaping
- Design quality
- Amenity of nearby residents
- Responses to objections received

7.2 Principle of development

Although this is an application to vary planning conditions attached to the extant planning permission for the development, the effect of approval would be the grant of a new, stand-alone planning permission for the development as a whole. It is therefore important to consider whether any new planning policies or material considerations exist that would justify reaching a different overall conclusion to the Planning Inspector who granted planning permission for the development on 24 September 2013.

In conclusion, the Inspector noted at Paragraph 29 of his report that:

“The proposed development would provide specialist residential accommodation, with care packages available, to enable the frail elderly to retain a degree of independent living in their own homes in a highly sustainable location. As such the development would contribute to meeting the increasing extra care needs of the elderly who are recognised as a growing demographic sector both locally and nationally. Although there would be a reduction in the sense of openness and some loss of views locally, these impacts would be outweighed by the social, economic and environmental benefits of this highly sustainable development”.

Since the grant of planning permission, the Development Management Development Plan Document was adopted in December 2014 which effectively replaced a number of development plan policies contained within the Lancaster District Core Strategy (adopted 2008) and Lancaster District Local Plan (adopted 2004). In addition, National Planning Policy Guidance was published on 06 March 2014 which replaced numerous national planning practice guidance documents. Despite a different planning policy context, it is considered that the Inspector’s conclusion - that the development as whole remains a *“highly sustainable development”* in accordance with the development plan - remains valid. The presumption in favour of sustainable development set out in paragraph 14 of the NPPF and Policy NPPF1 of the DM DPD therefore applies in this case.

Detailed matters arising from the changes to scheme are assessed below.

7.3 Impact of the proposed changes on the setting of the Greaves Road Conservation Area

When assessing the original proposals, the Inspector noted in paragraph 11 of his report that *“the proposal would not adversely affect important views into and across the Conservation Area and would preserve its setting”* in accordance with local and national policy requirements.

The sub-station is set back from the primary Greaves Road frontage by in excess of 30 metres and given the substantial drop in ground level it is not considered to affect the setting of the Greaves Road Conservation Area. Similarly, the changes arising from the exclusion of the strip of land adjacent to 144 Greaves Road, though closer, do not affect the setting of the Conservation Area. The proposed development is therefore considered acceptable in this regard.

7.4 Car parking provision

When assessing the original proposals, the Inspector noted in paragraph 21 of his report that:

“Given the specialist nature of the accommodation which would appeal to residents in need of care, and the excellent public transport services available adjacent to the development, it is highly likely that many residents would give up their cars on entry or

shortly afterwards. The appellants argue that 23 spaces, managed in accordance with a Car Park Management Plan to be secured by a condition, would be sufficient to meet the everyday needs of residents, staff and visitors. I have no convincing reason to disagree.”

The revised layout arising from the proposed changes to the scheme retains the same number of on-site car parking spaces (23 spaces including 5 disabled bays) that were deemed sufficient by the Inspector given the nature of the use and the site’s highly sustainable location. The proposed number of spaces is considered to comply with the Council’s parking standards both in respect of the overall number of spaces and the proportion of dedicated disabled bays. In addition, the applicant has submitted a Car Park Management Plan essentially identical to existing approved plan that would be controlled by condition which commits the operator to:

- allocate spaces through a permitting regime to be managed by Estate Manager leaving some unallocated for visitors etc.;
- promote sustainable travel options by issuing travel packs to residents containing public transport information etc.;
- review the permitting regime and car park management plans should on-street parking problems arise; and
- provide additional two car parking spaces if required, subject to the approval of the local planning authority.

It is recommended that the existing car parking provision condition be updated and attached to any grant of planning permission that would require the proposed parking provision to be provided in full prior to first occupation or use of the development, its retention at all times thereafter for use exclusively for parking purposes and its ongoing management in accordance with the revised Car Park Management Plan dated April 2015. Subject to the above, the proposed development is considered acceptable in this regard.

7.5 **Loss of outdoor amenity space and landscaping**

The land lost to the proposed sub-station, the exclusion of land on the periphery of the site outside the applicant’s ownership and the repositioning of car parking spaces has inevitably led to the loss of some communal outdoor amenity space at the rear of the building. Whilst this is an unfortunate consequence of the proposed amendments, the amount of usable outdoor amenity space is considered adequate for the proposed use. In addition to relatively small areas of outdoor space at ground floor level, the development also incorporates a large roof terrace on the rear elevation at third floor level whilst twelve of the apartments would also benefit from small private balconies. The site is also in close proximity to public open space, including Greaves Park which lies only 50 metres to the north east. Overall, it is considered that the proposed level of outdoor amenity space will meet the needs of the end users in accordance with Policies DM35 and DM45.

Although the amount of usable outdoor space is limited, the applicant has retained the principles of the previously approved landscaping scheme to include generous amounts of tree planting concentrated along the perimeter of the site ensuring the visual impact of the building is softened and the character and appearance of the area is respected in accordance with Policy DM35 of the DM DPD. Conditions are recommended requiring the submission, approval and implementation of a detailed landscaping scheme.

7.6 **Design quality**

When assessing the original proposals, the Inspector noted in paragraph 13 of his report that:

“I conclude that the proposed development, utilising high quality materials secured by a condition, would be a well designed contemporary building which would reaffirm the importance of the form of the existing hotel in the street scene. The scale of the new wing when seen from Greaves Road and Belle Vue Terrace would reflect the local terraces, and the articulation of the facades would enhance local distinctiveness. The proposed scheme of landscaping around the development would further enhance the appearance of the development and the street scene.”

The details of materials, including new stonework, and other detailed design matters secured by conditions attached to the original consent have already been approved and will ensure a high

quality development is delivered that enhances local distinctiveness. It is therefore recommended that conditions securing the same outcome are attached to any approval.

7.7 **Amenity of nearby residents**

When assessing the original proposals, the Inspector noted in paragraph 19 of his report that “*the development would not have a significant impact on the amenity of nearby residents*”. Given the detailed design of the building remains unchanged, there is no reason to reach a different conclusion on amenity grounds providing the condition requiring certain windows in the new building to be obscure glazed is retained as set out in the recommendation.

7.8 **Concerns from local residents regarding the build and construction**

As reported above, objections to the application have been received. In response to these, Officers advise that the quantum of built form remains largely unchanged and is considered acceptable; that the applicant has sought to retain the amount of car parking approved at appeal, which is sufficient; that all other design, scale and massing issues were considered appropriately at appeal; all planting removed from the site was agreed by Officers (evidence was provided demonstrating that the two remaining trees on the site’s Ash Grove frontage, originally marked for retention, should be removed as they were damaging the retaining boundary stone wall. A structural report was submitted to substantiate their claims) and a detailed landscaping scheme incorporating the amendments is included in the list of conditions.

7.9 Removal of more than the original building was considered necessary to ensure that the retained façade remained structurally sound. The Local Planning Authority has been informed that materials have been retained and the façade will be rebuilt on a like for like basis in accordance with the approved plans. Any departure from the approved plans would require a separate application.

7.10 With regards to the issues regarding construction management, a condition attached to the extant consent required the submission, approval and implementation of a Construction Method Statement (CMS). A CMS has been submitted and approved and it is recommended that a condition requiring full compliance with the approved CMS is attached to any further approval. The approved CMS includes a commitment to provide wheel washing facilities on site to prevent mud and spoil spilling out onto the public highway. Both this and the alleged damage to the road surface and closure of the public highway without the requisite (County Council) consent have been reported to colleagues at the County Council. A planning enforcement case has also been opened to investigate any breach of conditions.

8.0 Planning Obligations

8.1 There are no planning obligations attached to the extant planning permission (granted at appeal) and none are necessary to make the proposals acceptable in planning terms.

9.0 Conclusions

9.1 This application seeks approval for minor material amendments to an extant planning permission (granted on appeal) arising from the originally unanticipated need to incorporate a single storey sub-station building and to prevent any incursion onto land associated with the retaining side wall of 144 Greaves Road that is outside the applicant’s ownership. If approved, a new ‘stand-alone’ consent would be granted for a revised development incorporating these amendments.

Despite the representations received from local residents and a different planning policy context, it is considered that the Inspector’s conclusion – that the development as whole remains a “*highly sustainable development*” in accordance with the development plan - remains valid. The presumption in favour of sustainable development set out in paragraph 14 of the NPPF and Policy NPPF1 of the DM DPD therefore applies in this case. Members are therefore recommended to grant planning permission for the revised scheme subject to the conditions set out below.

Recommendation

That planning permission **BE GRANTED** subject to the following conditions:

1. Approved plans – existing condition amended to include amendments etc.

2. Use restriction limited to an Extra-care, Assisted Living facility – retained
3. Operational Management Plan – retained but updated to refer to approved plan
4. Vehicular access detail - retained but updated to refer to approved details
5. Car parking provision – retained but updated to refer to revised plans and Car Park Management Strategy
6. Secure cycle storage and changing facilities - retained but updated to refer to approved details
7. Off-site highway works – added to ensure agreed works are implemented prior to first occupation
8. Construction Method Statement - retained but updated to refer to approved details
9. Details of new stonework - retained but updated to refer to approved details
10. Stonework cleaning - retained but updated to refer to approved details
11. Materials samples - retained but updated to refer to approved details
12. Boundary treatments - retained but updated to refer to approved details
13. Landscaping scheme – retained
14. Landscaping Implementation and Maintenance – retained
15. Bat survey and mitigation measures – retained but updated to refer to approved details
16. Ecological mitigation and enhancements - retained but updated to refer to approved details
17. Contamination - retained but updated to reflect details already approved
18. Contamination (Imported soils) – added after receiving confirmation from the applicant that imported soils would be used
19. Noise mitigation – retained
20. Obscure glazing - retained

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 applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken 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