

Agenda Item A6	Committee Date 24 August 2015	Application Number 15/00624/FUL
Application Site Land At Mossgate Park Mossgate Park Heysham Lancashire	Proposal Erection of 15 dwellings (Class C3) and associated access	
Name of Applicant Mr James Carman	Name of Agent	
Decision Target Date 1 September 2015	Reason For Delay N/A	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 Mossgate Park is located at the south east corner of Heysham, covering an area of approximately 45 hectares. This application relates to one phase of this larger (predominantly) residential development. The site is situated on land to the west of the spine road, to the east of Silverdale Avenue and north east of the all-weather pitch. The surrounding land to the south and south east of the application site has recently been developed with some areas being retained as semi-natural open space.
- 1.2 The 0.35 hectare application site is currently undeveloped. It is generally a level site, left uncultivated so had a semi-natural covering of vegetation before it was utilised as a site compound for the wider development site.
- 1.3 The site is undesignated in the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 The application seeks planning permission for 15 dwellings, of which none would be affordable. The detached properties are 2 storey and 2.5 storeys in height and with the semi-detached town houses extending to 3 storey. In terms of size there would be 7 3-bed houses and 8 4-bed houses. Materials such as those used on other phases of Miller Homes' development within Heysham Mossgate are proposed, which include concrete tile roofs, brick walls, white uPVC framed windows and doors, and close boarded timber fencing for the rear gardens.
- 2.2 Access would be gained from the spine road to the east. Properties would be slightly set back from the spine road by 3 to 5 metres. It has been laid out in this manner to provide a built, active frontage to the spine road and to continue to the soft, grassed landscaping that is characterised within the development to the south and east.

3.0 Site History

- 3.1 The following applications, albeit now lapsed (with the exception of the 2006 Reserved Matters

consent), have previously related to the wider Heysham Mossgate development, including this site.

Application Number	Proposal	Decision
93/01139/OUT	Outline application for residential development of 45 hectares including sports complex, pub and shops	Approved
01/01295/OUT	Renewal of outline consent for a further three years until 31 January 2005	Approved by the Secretary of State in 2005
06/01000/REM	Reserved Matters Application for the erection of 395 dwellings including associated infrastructure and public open space	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	Objection on parking grounds. Also concerns relating to surface water drainage.
Local Lead Flood Authority	Insufficient information submitted as part of the application to assess surface water drainage.
Environmental Health	No objection subject to conditions relating to dust control, hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only) and contaminated land.
United Utilities	No objection subject to conditions relating to foul and surface water drainage, the latter based on sustainable drainage principles with evidence of an assessment of the site conditions.
Fire & Rescue	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.
Police	Strongly recommend that the whole development is built to Secured by Design standard.
County Education	Seek a contribution of £72,178 towards 6 primary school places.

5.0 Neighbour Representations

5.1 One objection has been received raising the following reasons:

- Risk of flooding (as experienced from earlier development in area)
- Inappropriate design
- Loss of daylight
- Overbearing of dominant development

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** - 12 core land-use planning principles including a good standard of amenity for all

Paragraph **49 and 50** - housing

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

6.2 Development Management DPD

Policy **DM35** Key design principles

Policy **DM39** Surface Water Run-Off and Sustainable Drainage

Policy **DM41** New residential dwellings

Policy **DM48** Community Infrastructure

6.3 Lancaster District Core Strategy

Policy **SC1** Sustainable Development
Policy **SC2** Urban Concentration
Policy **SC4** Meeting the District's Housing Requirements
Policy **SC5** Achieving Quality in Design

6.4 Other Policy Documents

Meeting Housing Needs Supplementary Planning Document

7.0 Comment and Analysis

7.1 The key considerations in the assessment of this application are:

- The principle of residential development of this site;
- The design and layout of the development;
- The amenity of existing and prospective residents;
- The drainage of the site and risk of localised flooding; and,
- The level of parking provision.

7.2 The principle of residential development of this site

7.2.1 The principle of residential development on this site has been long established. The proposal seeks to replace a consented 20 residential unit scheme (4 1-bed and 6 2-bed flats, and 10 4-bed houses) with a 15 unit scheme (7 3-bed and 8 4-bed houses).

7.2.2 Under the 2006 consent affordable housing for this phase was to be delivered as part of the wider site on earlier phases. This was set at 20%. Therefore the requirement would have been 4 units. The proposed scheme, which is being applied for by way of a stand-alone application and therefore needs to be assessed in line with current policy, would require a contribution of 40% as it is a greenfield site. This equates to 6 units. Furthermore, the mix of units now proposed is all family sized houses. No information has been submitted to satisfy the Council's affordable housing policies. In fact the affordable housing statement submitted refers to obsolete policies. If no affordable housing is being offered then the onus is on the applicant to demonstrate their position by way of a viability assessment. It would be appropriate and acceptable to include the cost of the 20% provision across the wider site as it relates to this application site, but this should only form one part of the appraisal. Current house values and current build costs based on the proposed mix of houses, and the land price (as it was at the time of purchasing) will be amongst other factors. As submitted though the proposal fails to meet the Council's adopted policy on delivering affordable housing.

7.3 The design and layout of the development

7.3.1 Both the consented scheme and the proposed one seek to develop a horseshoe arrangement of dwellings centred on the access and estate road. It is a relatively weak arrangement as it relates poorly to its surroundings, especially given that there is undeveloped land immediately to the north and south of the site that could be brought forward for development and resulted in a more comprehensive scheme. However, as with much of this proposal, it relates back to the 2006 consent, which is a material consideration in the determination of this application. The design and materials of the proposed dwellings would reflect the earlier phases of Miller Homes' development at Mossgate, which in principle is acceptable, though disappointingly there are no plans submitted with the application of 2 of the house types proposed on the site plan. These have not been provided despite the requests to the applicant.

7.3.2 The development appears to be designed around the car with driveways being the dominant feature on the streetscene. Whilst the consented scheme proposed 2 reasonable sized parking courts that were concealed in the rear corners of the site, the "tightness" of the horseshoe arrangement actually achieved a worse design solution as the properties that were afforded driveways were closer together meaning that parking very much dominated the "courtyard" within the buildings' horseshoe.

The proposal opens up the horseshoe resulting in more space between the driveways to allow for some limited soft landscaping, with the exception of plots 10 to 13.

7.4 The amenity of existing and prospective residents

7.4.1 It would appear (given the lack of plans to confirm) that 3 storey properties are proposed close to the rear boundaries of nos. 8-16 Silverdale Avenue, but the consented scheme had a similar arrangement which also affected No.6. The separation distances between the proposed 3 storey units and the existing dwellings on Silverdale Avenue remain very similar to those previously approved. Of greater concern is plot 2 that proposes a 2 storey dwelling 4m from the rear boundary of no.20 Silverdale Avenue. The first floor windows of the proposed property on plot 2 serve habitable rooms so the glazing would need to be transparent, giving rise to direct overlooking of the private amenity space of No.20. This is an unacceptable relationship. Whilst other overlooking issues would arise from the proposal, especially from the 3 storey units, given the principles established by way of the previous consent it would be difficult to sustain a reason for refusal in terms of those plots (4-9). Plot 2, however, would bring about a new issue, one which is significant enough to result in a negative recommendation. For completeness Plot 3 does not appear (again given the lack of plans to confirm) to have any first floor windows (that need to be transparent) that face towards the rear, though it does appear to have a side facing window that would have a direct view of the blank gable of plot 2 at a distance of 4m. This falls significantly below the required 12m separation distance of habitable window to blank gable, and as such has an insufficient outlook.

7.5 The drainage of the site and risk of localised flooding

A small part of the site is identified as being within a surface water flooding area. The one objection received from neighbouring residents reflects this in their comments, and surface water flooding is known to occur in the wider area. The issue of surface water drainage was raised by Officers with the applicant at a pre-application stage, yet insufficient information has been submitted as identified by the Local Lead Flood Authority. It can only be concluded that the scheme as proposed does not adequately deal with surface water un-off and could therefore increase the risk of on and off site flooding.

7.6 The Level of Parking Provision

The Highway Authority has raised an objection on the basis that a lack of parking provision within the development could result in overflow parking occurring on the spine road. Whilst highway efficiency and safety is a key material consideration, this proposal seeks to provide 32 parking spaces for 15 houses. The Council's parking standards would require a maximum of 38. Furthermore the approved scheme has 30 spaces for 20 dwellings, which based on the size of the units permitted would have a maximum parking requirement of 46 spaces in line with the Council's adopted policy. Therefore whilst the proposal does not meet the full maximum level of parking, it would be very difficult to sustain a reason for refusal given that the approved scheme provides for significantly less parking, the policy sets out maximum not minimum standards, and the level proposed still provides for at least 2 spaces per dwelling.

7.7 Other Matters

County Education has requested a sum of £72,178 towards 6 primary school places, but it is not clear from the submission if the development proposal could finance such a request. As with the comments above on affordable housing, the developer should have submitted a robust justification if seeking to avoid any planning obligations, but in the absence of such information it can only be assumed that as no affordable housing is to be provided that no contribution towards education would be offered either to the detriment of local services that would be placed under pressure by additional family housing.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application as the application is recommended for refusal.

9.0 Conclusions

- 9.1 The submission is a poor one. There was a lack of sufficient plans, information and documentation, despite pre-application advice being provided. The proposal - whilst following many of the principles of the 2006 consent - raises new concerns that the current submission either does not address at all, or does not adequately address.

Recommendation

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

1. The proximity of the proposed dwelling house on Plot 2, and in particular its first floor windows that serve habitable rooms, with the rear boundary of 20 Silverdale Avenue gives rise to an unacceptable level of overlooking into the rear private amenity space of no.20. It would also appear that Plot 3 has a bedroom window facing onto a blank gable wall at a distance of only 4m, so resulting in an unacceptable level of outlook. The loss of privacy and inadequate outlook are contrary to policy DM35 of the Development Management DPD and paragraph 17 of the National Planning Policy Framework.
2. The submission is a standalone full application to be assessed against current planning policy. Therefore it should include a robust justification if it proposes not to provide any affordable housing in line with the Council's policy, but the application fails to do so. Likewise due to the lack of adequate information it is not clear if other planning obligations could be sustained by the proposal to secure essential community facilities, such as primary school places for the future residents of the development. The application is therefore contrary to policies DM41 and DM48 of the Development Management DPD and paragraph 17 of the National Planning Policy Framework
3. The application as submitted lacks sufficient information on surface water drainage despite this being raised with the applicant at pre-application stage, and being raised during the determination period. In the absence of sufficient drainage information to assess the impacts of surface water runoff it can only be concluded that the development could increase the risk of on and off site flooding, which is contrary to policies DM39 of the Development Management DPD.

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 takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

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