

<b>Agenda Item</b>	<b>Committee Date</b>	<b>Application Number</b>
A7	25 <sup>th</sup> July 2016	16/00498/VCN
<b>Application Site</b> Quernmore Park Former Nightingale Hall Quernmore Road Lancaster	<b>Proposal</b> Erection of 128 residential dwellings with associated access and landscaping following the demolition of existing buildings (pursuant to the variation of condition 1 on planning permission 15/00363/VCN to vary the site layout in relation to plots 22, 23 and 28, the landscape proposals and to introduce a new house type on plot 66)	
<b>Name of Applicant</b> Mr Jon Partington	<b>Name of Agent</b> None	
<b>Decision Target Date</b> 26 July 2016	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Subject to consultation on the recently submitted further information/revisions, the variations proposed can be supported.	

## **1.0 The Site and its Surroundings**

- 1.1 The application site relates to the former animal rendering plant (Nightingale Hall Farm) and adjoining greenfield land located west of the M6 and approximately 0.7 miles east of the city centre currently being developed for housing by Barratt Homes following the grant of planning permission on 11 September 2014 for the “*erection of 128 residential dwellings with associated access and landscaping following the demolition of existing buildings*”. The new housing comprises 18 two bedroom properties; 34 three bedroom properties and 76 four bedroom properties. Of the 128 units, 30 will be affordable units.
- 1.2 The site is allocated as a Housing Opportunity Site in the Local Plan (Saved Policy H3) and occupies a position off Quernmore Road on the eastern outskirts of Lancaster nestled between Lancaster Cemetery, which is a Grade II Registered Historic Park and Garden, to the east; Christ Church Primary School to the west; the Grammar School War Memorial Fields to the north and Williamson Park to the south which is also a Grade II Registered Historic Park and Garden and Conservation Area. The surrounding school grounds are designated as Urban Greenspace. Beyond the Urban Greenspace to the west of the development site lies the residential area of Freehold, which is characterised as a gridiron pattern of Victorian stone terraces. To the north of Freehold lies the Ridge housing estate. Williamson Park is home to the Grade I listed Ashton Memorial that occupies elevated land on the south side of Quernmore Road. Other land uses include allotments (designated as a Key Urban Landscape under Saved Local Plan Policy E31) and Highfield recreation grounds to the south west. There is a small row of terraced residential properties on Willow Grove located on the eastern boundary of part of the application site and a group of stone properties immediately south of the site (Highfield House and Farm) some of which share the access off Quernmore Road with the application site. There is also a pronounced difference in land levels between the Quernmore Road access point and the remainder of the site with significant retaining walls to both the eastern and western boundaries.

1.3 The site has been cleared and development has commenced on site with several new houses already complete and occupied.

## **2.0 The Proposal**

2.1 The current application seeks minor-material amendments to vary the positions of plots 22, 23 and 28, omit the garage to plot 22, revisions to the position of the garage on plot 28 and a new house type for plot 66. These changes have come about as a consequence of the site levels. The changes minimise the level of engineering works required to facilitate the dwellings on these plots.

## **3.0 Site History**

3.1 The site has been subject to various applications over the years when its previous use was in operation. The animal rendering plant ceased operations after a widespread fire around 2005. There was an unauthorised intervening use as a timber recycling centre in 2008/9. The planning applications of direct relevance to this application are listed in the table below:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>15/00363/VCN</b>	Erection of 128 residential dwellings with associated access and landscaping following the demolition of existing buildings (pursuant to the variation of conditions 2, 14, 15, 16, 17 and 29 on approved application 14/00129/FUL to substitute approved drawings). Proposed changes include: road and school footpath re-alignment around Plot 114 to allow retention of tree; trees facing Plots 107 & 108 removed to accommodate sloping embankment with associated changes to the footpath leading to the area of public open space; Plots 1 to 4 amended to allow retention of tree; and additional tree planting along Willow Grove.	Approved
<b>14/00156/DIS</b>	Discharge of conditions 3, 5, 7, 11, 13, 20, 21, 24, 26, 27 & 28 on approved application 14/00129/FUL	Withdrawn (matters addressed under 15/00363/VCN)
<b>14/00129/FUL</b>	Erection of 128 residential dwellings with associated access and landscaping following the demolition of existing buildings.	Approved
<b>14/00044/REM</b>	Reserved matters application for redevelopment of the site for 94 residential dwellings with associated access and landscaping.	Withdrawn
<b>10/00306/OUT</b>	Extension of time limit on application 06/00661/OUT for the redevelopment of the site for residential use (approximately 165 dwellings)	Approved
<b>06/00661/OUT</b>	Redevelopment of the site for residential use (approximately 165 dwellings).	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>	Revised comments - <b>no objections</b> to the proposed amendments. Satisfied with level of parking/cycle provision.
<b>Environmental Health Service</b>	<b>No further comments</b> to add - the change in layout does not seem to expose future householders to soil contamination.  Validation certificates for the newly occupied dwellings following the 2015 permission (15/00363/VCN) have now been submitted. The Case Officer has

	consulted the Council's Contaminated Land Officer for confirmation this information is satisfactory to allow the condition 15 to remain unaltered.
<b>Tree Protection Officer</b>	No objections. The proposal landscape scheme must be implemented in full and maintained for a minimum of ten years.
<b>United Utilities</b>	A revised drainage plan was submitted on the 5 <sup>th</sup> July 2016. Subsequently at the time of writing this report comments had not been received. A verbal update will be provided.
<b>Environment Agency</b>	A revised drainage plan was submitted on the 5 <sup>th</sup> July 2016. Subsequently at the time of writing this report comments had not been received. A verbal update will be provided.

## **5.0 Neighbour Representations**

- 5.1 One letter of objection has been received on behalf of Park Ward Allotments (off Derwent Road). The objection is on the grounds that the current boundary plan shows the existing dry stone wall retained. The existing dry stone wall combined with the increased ground levels on the development side now means that the allotment holders no longer feel they have a secure site – effectively the wall is now of reduced height and could be climbed over. Original plans had shown a high timber fence. This was varied to retain the stone wall under 15/00363/VCN, albeit it was not made particularly clear that these changes were sought.

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

- 6.1 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:

### National Planning Policy Framework (NPPF)

Paragraph 17 – Core planning principles

Section 6 – Delivering a wide choice of high quality homes

Section 7 - Requiring Good Design

Section 11 - Conserving and enhancing the natural environment

The following Development Plan policies are relevant:

### Lancaster District Development Management DPD (DM DPD)

Policy DM20 – Enhancing Accessibility and Transport Linkages

Policy DM21 – Walking and Cycling

Policy DM22 - Vehicle Parking Provision

Policy DM25 – Green Infrastructure

Policy DM26 – Open Space, Sports and Recreational Facilities

Policy DM27 – The Protection and Enhancement of Biodiversity

Policy DM28 – Development and Landscape Impact

Policy DM29 – Protection of Trees, hedgerows and Woodland

Policy DM32 – The Setting of Designated Heritage Assets

Policy DM35 – Key Design Principles

Policy DM39 – Surface Water Run-Off and Sustainable Drainage

Policy DM40 – Protecting Water Resources and Infrastructure

Policy DM41 – New Residential Development

### Lancaster District Core Strategy

Policy SC1 – Sustainable Development

Policy SC2 – Urban Concentration

Policy SC4 – Meeting the District's Housing Requirements

Policy SC8 – Recreation and Open Space

## **7.0 Comment and Analysis**

- 7.1 The main issues associated with this application relate to the need to make minor-material changes to the layout of the development to account for the sites land levels. The area affected relates to the southern boundary of the parcel of land immediately east of Willow Grove, where plots 22-34 are proposed. The previously approved scheme proposed an internal road along the western boundary of this parcel of land (serving plots 22-23) and a further road along the eastern boundary wrapping around the southern boundary too (serving plots 28-33). The repositioning of plot 28 and the relocation of its garage, together with the omission of the garage serving plot 22 leads to enhanced landscaping between the southern boundary and the development. These revisions are welcomed and will deal better with the changes in land levels in this location. The change in house type to Plot 66 and the loss of the double garage which was approved forward of the front elevation on plot 66 is acceptable. The scheme now proposes a single garage between 66 and 67 and a smaller detached house on this plot. The scale, design and use of materials for the revised house type and garage are proportionate to the rest of the scheme and is considered compliant with policy DM35. The proposed amendments are not considered to affect the setting of designated heritage assets and so designated assets are preserved and enhanced in accordance with Policy DM32.
- 7.2 The changes to the planning layout have resulted in minor changes to the proposed landscaping scheme. The Council's Tree Protection Officer has raised no concerns and is satisfied that proposed mitigation planting is satisfactory, provided the landscaping is provided in full and maintained for 10 years. The development must be carried out in accordance with the previously approved 10 year landscape maintenance scheme. The proposals are considered to be in accordance with Policy DM29 and revised conditions are recommended accordingly.
- 7.3 Habitat and protected species surveys previously submitted as part of the existing planning permission highlighted a number of ecological issues that needed to be addressed as part of the development including:
- The eradication of Japanese Knotweed present in clusters across the site;
  - The enhancement of the site boundaries to improve the quality of the bat commuting and foraging routes after roosts were identified in neighbouring buildings and bat activity was recorded on the site;
  - The protection of these areas from disturbance such as excessive artificial light pollution;
  - Ongoing management to ensure biodiversity is maintained.

The proposed amendments do not materially affect the previously approved habitat mitigation proposals covered in the Japanese Knotweed Eradication Report, Addendum Bat Report (July 2014), Ecological Management Plan (September 2015), street lighting proposals and landscaping proposals and the Ecological Management Plan (September 2015). As the development is still ongoing the habitat mitigation and management proposals still stand and will remain a condition of the planning permission.

- 7.4 The refuse strategy layout plan, hard landscaping, material layout, and drainage plans have been revised to account for the proposed changes to the layout of the scheme. While reviewing the proposed changes and the conditions originally imposed, officers have been re-negotiating the boundary treatment layout plan in relation to the boundary between the development site and the adjacent allotments. This has come about following an objection from the allotment holders in relation to the loss of security following the developer raising land levels on the development site. Officers have negotiated a suitable alternative treatment in this location comprising a 1.8m high bow top railing. The Case Officer has informed the allotment representative of the amendments. The amendments will result in the loss of a low drystone wall which was originally complementary to the scheme. Whilst this may be disappointing the revised detail is not unacceptable and will resolve the objections received. It will also prevent the need of the allotment holders potentially installing unsightly security measures, as suggested in their objection letter, which would be detrimental to the character and appearance of the area and would affect the outlook from the new dwellings. The amendments therefore seem a reasonable compromise to all parties.

- 7.5 The previous application made under Section 73 of the Town and Country Planning Act (15/00363/VCN) dealt with the agreement of details reserved by condition on the original planning permission. All the conditions were revised to reflect the information submitted (to address the conditions previously imposed) and were agreed in consultation with the relevant consultees. This application seeks minor-material amendments to 4 plots and does not result materially change the permissions already granted. However, all the conditions will be reviewed as part of this process to ensure they remain relevant. Conditions will be updated where revised plans have been submitted to reflect the changes sought by this application. For the purposes of clarification, the conditions listed below will be labelled in such a way to identify whether this application has prompted any changes to the wording of any of the conditions previously imposed.
- 7.6 Other conditions have been revised previously (15/00363/VCN) to account for the phasing of the development, such as flood risk mitigation, contamination verification reports/certificates and off-site highway works. With regards to drainage, a scheme has been approved (Engineering Layout 441/ED/03 Rev Z) by the local planning authority in consultation with the Environment Agency and United Utilities. It is understood that there is on-going issues over the drainage of the site that the developer and United Utilities are working to resolve. Officers had asked the developer whether the approved drainage scheme has changed as a consequence of the ongoing issues. Barratt Homes have now confirmed they are still constructing the development out in accordance with the approved plan, with the exception for some minor alterations to account for the amended plots proposed by this application. A revised drainage plan has been submitted. Consultation with United Utilities and the Environment Agency is still pending. A verbal update will be provided. If this plan is acceptable condition 14 will be updated to reflect the revised drainage plan.
- 7.7 Whilst reviewing the conditions, it also transpires that additional units have been occupied since 15/0363/VCN was approved but the verification certificates (contaminated land) had not been submitted for approval via a discharge of condition application. These certificates have now been provided as part of this application and consultation has been undertaken with the Council's Contaminated Land Officer. If the Contaminated Land Officer is satisfied with the certificates submitted, condition 15 will be retained as originally worded. A verbal update will be provided on this matter.

## **8.0 Planning Obligations**

- 8.1 The legal agreement that forms part of the existing planning permission also applies to any planning permissions granted under Section 73 of the Act. There is therefore no need for a deed of variation to transfer existing planning obligations to any grant of planning permission in this case.

For information, the existing legal agreement secures:

- the delivery of affordable homes on the site (minimum 30 houses – 50% rented /50% shared ownership);
  - commuted sum towards off-site pedestrian and cycle improvement works on Quernmore Road between the site access and Derwent Road;
  - commuted sum towards additional primary school places to serve the development;
  - commuted sum towards the provision of a new pedestrian links to the Lancaster Christ Church Primary School immediately to the west; and
  - the appointment of a management company to maintain all areas of open space on the site for the lifetime of the development.
- 8.2 In accordance with the terms of the Agreement, the transport contribution to the sum of £70,000 has now been paid to the Council. This was required prior to first occupation of any dwelling on the site. The triggers for the other contributions are based on the occupation of the 20<sup>th</sup> dwelling (school link contribution) and the 60<sup>th</sup> dwelling (education contribution).
- 8.3 Officers have been in negotiations with the developer in respect of the developers obligations relating to the provision of affordable housing. Unfortunately, the developer has been unable to secure the transfer of all of the affordable housing units to a registered provider as required by the Section 10 (s106). In accordance with the legal agreement, the developer has put forward an alternative affordable housing scheme. The Council's Strategic Housing Officer has been liaising closely with the developer in finding an appropriate solution which still secures 30 affordable units on the site based on the approved tenure split. The terms of the Agreement allow for these

negotiations to take place without the need for a formal application to vary the legal agreement under s106A of the Town & County Planning Act 1990.

- 8.4 The proposed alternative affordable housing scheme still secures 30 affordable units with 50% social rented (to be delivered by a registered provider) and 50% shared ownership (to be delivered by Heylo Housing) and does not exceed the combined transfer values set out in the s106. On this basis and given satisfactory evidence has been submitted demonstrating the developer has actively tried to secure the transfer of the shared ownership units to a registered provider, the alternative affordable housing scheme has been approved.

## **9.0 Conclusions**

- 9.1 The proposed changes to the scheme constitute minor-material amendments. As discussed above, these amendments are not significant and will not have a material impact on the scale, layout and design of the approved development. The changes are to ease the construction of the plots in question and bring about a modest increase to the amount of landscaping along the southern boundary of the lower part of the site. The amendments to the boundary treatment layout plan will hopefully remove the objection from the adjacent allotment holders. In any case officers are of the opinion the revised detail provides improved security to the allotment and is also aesthetically acceptable in this location. Overall the amendments remain compliant with the policies contained within the Development Plan.
- 9.2 As part of considering the amendments a review of the current conditions is required. The majority of conditions will be retained and largely unaltered, except where plan references are to be updated to account for the changes proposed.
- 9.3 The proposed changes to plots 22, 23, 28 and 66 together with the changes to the boundary layout plan are considered acceptable and compliant with planning policy. Subject to the outcome of the additional consultation with United Utilities, Environment Agency and the Council's Contaminated Land Officer to address conditions 14 and 15, Members are recommended that this s73 application can be supported.

## **Recommendation**

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

1. Approved plans – RETAIN (updated to reflect amended plans including boundary treatment layout plan)
2. Hours of construction – RETAIN
3. Access phasing – RETAIN
4. Off-site highway improvement works – RETAIN
5. Travel plan implementation – RETAIN
6. Parking provision – RETAIN
7. Garage use restriction – RETAIN
8. Cycle storage – RETAIN
9. Boundary treatments – RETAIN
10. Public open space provision – RETAIN (update to specify revised planning layout)
11. Landscaping scheme and management plan – RETAIN
12. Arboricultural Method Statement and Tree Protection and Retention Plan – RETAIN
13. Flood risk assessment – RETAIN
14. Drainage - TBC (subject to consultation with UU and EA)
15. Contaminated land – RETAIN (subject to consultation with Contaminated Land Officer)
16. Imported soils – RETAIN
17. Bunded tanks – RETAIN
18. Permitted development rights removed – RETAIN
19. Ecological Management Plan – RETAIN
20. Japanese Knotweed – RETAIN
21. Potential future cycle route connection – RETAIN (update with current approved plan references)

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

In accordance with the above legislation, the City Council can confirm that they have 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