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| Agenda Item A11 | Committee Date 4 March 2019 | Application Number 18/01556/FUL |
| Application Site 29 Combermere Road Heysham Morecambe Lancashire | | Proposal Change of use of vacant land to form part of domestic curtilage and erection of a 1.8 metre boundary fence |
| Name of Applicant Mr Andrew Turner | | Name of Agent |
| Decision Target Date 28 March 2019 | | Reason For Delay None |
| Case Officer | | Mrs Eleanor Fawcett |
| Departure | | No |
| Summary of Recommendation | | Approval, subject to the receipt of amended plans in relation to the fencing. |

(i) **Procedural Matters**

This form of development would normally be determined under the Council's scheme of delegation. However, the land is in the ownership of Lancaster City Council and as such the application is referred to the Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The site relates to a small vacant piece of land located between the side wall of a two storey semi-detached dwelling and the highway that provides access to Trumacar Primary School, off Combermere Road, within the urban area of Heysham. The land is currently hard surfaced with a gravel type material, and appears to have been previously partly hard surfaced and partly overgrown. The site also includes a piece of land to the rear of no. 29 which appears to have provided access to the rear of the properties fronting Combermere Road, but is not part of the adopted highway.

2.0 The Proposal

- 2.1 Planning permission is sought for the change of use of the land to form part of the garden associated with 29 Combermere Road, and the installation of a fence along the site boundaries. The fence is proposed to be a total height of 1.8 metres, with 1.5 metre high timber fence panels above 0.3 metres high concrete panels, supported by concrete posts.

3.0 Site History

- 3.1 There is no relevant planning history in relation to the application site.

4.0 Consultation Responses

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

| Consultee | Response |
|-----------------|--|
| Parish Council | The consultation period expires on 23 February 2019. |
| County Highways | No objection. |

5.0 Neighbour Representations

- 5.1 1 piece of correspondence has been received which raises an objection and the following concerns:
- Would restrict vehicle access to the rear of no. 27.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 124 and 127 – Achieving well-designed places

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 2019.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Development Management Development Plan Document (adopted July 2014)

DM25 – Green Infrastructure
DM26 – Open Space, Sports and Recreational Facilities
DM35 – Key Design Principles

7.0 Comment and Analysis

- 7.1 The main issues to be considered in the determination of this application are:
- Loss of open space
 - Design and impact on the character and appearance of the area

- Highway impacts

7.2 Loss of open space

- 7.2.1 The site relates to relatively small strip of land located between the side wall of a dwelling and the highway. It is not of a sufficient size to provide any recreational opportunities and does not appear to provide a positive contribution in terms of its appearance. It appears to have been recently surfaced, however images from 2012 show the land as a partly surfaced and partly overgrown and generally appears quite untidy. Therefore, given this, it is considered that the change of use of the land to form part of the adjacent residential property would not result in the loss of important open space, either for its recreational or amenity value.

7.3 Design and impact on the character and appearance of the area

- 7.3.1 As set out above, it is considered that the incorporation of the land into the domestic curtilage would not have a detrimental impact on the amenity of the area. The proposal also includes the erection of a fence around the extended garden to the property. The submitted plans show this to be a total height of 1.8 metres, with 1.5 metre high timber fence panels above 0.3 metre high concrete panel, supported by concrete posts. The fence would abut the rear of the pavement and, as such, there are some concerns regarding its height, but also its appearance as it would be quite prominent within the street scene. The applicant has advised that the height of the fence can be reduced to 1.5 metres and stained in a dark brown colour, but would want to utilise concrete rather than timber posts. Timber posts were requested as it would match the fence opposite. Subject to the proposed changes in height, which are only really required adjacent to the highway, confirmation of colour, and ideally the removal of the lower concrete panels, it is considered that the fencing would not have a detrimental impact on the character and appearance of the area.

7.4 Highway Impacts

- 7.4.1 The Highway Authority has raised no objections to the proposal, but has advised that it may require the repositioning of street furniture, comprising a lighting column, and associated infrastructure. To the rear of this and the adjacent properties, there appears to be an unadopted road which provides access to the rear of the dwellings. The section of this to the rear of no. 29 is proposed to be included within the property's garden and enclosed with a fence. The occupier of the adjacent dwelling has raised concerns that this would restrict access to their rear yard. The applicant has advised that there is nothing contained within the deeds of their property which requires access to be retained, and other properties have extended the gardens to the back of Trumacar School. However, the grant of planning permission would not override any private or legal obligations that may exist.

8.0 Planning Obligations

- 8.1 There are no planning obligations to be considered by this application.

9.0 Conclusions

- 9.1 The proposed change of use of land and erection of a boundary fence is considered to be acceptable, subject to receipt of the proposed amendments, and would not result in an adverse impact to the character or appearance of the area or highway safety.

Recommendation

That Planning Permission **BE GRANTED** subject to the receipt of amended plans in relation to the fencing and following conditions:

1. Standard 3 year timescale
2. Development in accordance with the approved plans
3. Colour and finish to fence

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 report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None