

Agenda Item A14	Committee Date 3 June 2019	Application Number 19/00456/VCN
Application Site Land south of Hala Carr Farm Bowerham Road Lancaster Lancashire		Proposal Erection of 25 dwellings and creation of a new access and access roads (pursuant to the variation of conditions 2, 4, 5, 10, 11, 12 and 17 on planning permission 18/01413/VCN to amend the list of approved plans, remove the southern footpath, and provide details of boundary treatments, landscaping scheme, surface water drainage, foul water drainage and materials)
Name of Applicant Mr Chris Middlebrook		Name of Agent
Decision Target Date 23 July 2019		Reason For Delay Not applicable
Case Officer		Mr Mark Potts
Departure		Yes
Summary of Recommendation		Approval

(i) **Procedural Note**

The original application was deemed to be a departure from the Local Plan given the site lies within Key Urban Landscape (a locally designated protected landscape) and given this application seeks to modify conditions associated with the extant consent, it has also been advertised as a departure from the Local Plan, and therefore has to be determined by the Planning Regulatory Committee.

1.0 The Site and its Surroundings

1.1 The site is a greenfield wedge bounded by Hala Carr Farm to the north, the M6 motorway to the east and Bowerham Lane to the west. The site area is 1.76 hectares. The site slopes from the east (the M6 boundary is at 84 metres Above Ordnance Datum (AOD) to the west (Bowerham Lane is at 71 metres AOD) and is more pronounced towards the north. The northern boundary comprises a section of stone wall and hawthorn on the boundary with Hala Carr Farm and the eastern boundary comprises a post and wire fence on the open boundary of the M6. The southern boundary is bounded by a small but mature mixed woodland copse and the western boundary with Bowerham Road comprises an overgrown predominately hawthorn hedgerow. The site has now been stripped to facilitate development but previously consisted of coarse grassland which had been colonised around the edges by blackthorn, gorse, bramble and bracken. There is an existing belt of trees punctuated by an access gate on the boundary to Bowerham Lane. These trees screen the site from existing 2 storey residential properties fronting the western side of Bowerham Lane. There are also existing hedgerows on the boundary to Hala Carr Farm and part of the boundary with the M6 motorway.

1.2 The site does not benefit from any statutory nature conservation or landscape designation, with the Forest of Bowland Area of Outstanding Natural Beauty (AONB) being located 1.5km to the west and Morecambe Bay Ramsar Site, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) being located 2.5km to the west of the application site.

An existing water trunk main enters the site from under the M6 (at a point opposite the junction of Bowerham Lane and Sandown Road) and exits the site to the south of Hala Carr Farm. The site is allocated as Key Urban Landscape and as a Woodland Opportunity Site in the adopted Local Plan; within the emerging plan the land is allocated as Urban Setting Landscape.

2.0 The Proposal

2.1 This planning application seeks to modify conditions associated with an approved planning consent. The changes that are proposed consist of the below;

Condition 2 - *Development in accordance with the approved plans* – Amendments to the layout to provide for the amendment to landscaping;

Condition 4 – *Off-site highway works* – Modifications to the condition to remove the need for southern pedestrian access point after further discussions with County Highways;

Condition 5 – *Building Materials for Boundary treatments* – Approval of the retaining wall material to be a brick Terca Oakwood;

Condition 10 – *Landscaping scheme* – To provide for the replacement planting in relation to the southern access point;

Condition 11 – *Surface Water Drainage Proposals* – Amendments to the surface water drainage proposals in line with the agreement from United Utilities;

Condition 12 – *Foul Water Proposals* – Amendments to the foul water drainage proposals to be in line with the Section 104 Agreement from United Utilities;

Condition 17 – *Facing Building Materials* – Amendments to the condition to change K-Rend Buttermilk to K-Rend Champagne and amendment to the brickwork from Terca Gainsborough Multistock to Terca Oakwood.

3.0 Site History

3.1 Planning permission was approved on appeal (APP/A2335/W/18/3195605) in June 2018 for 25 dwelling houses, creation of a new vehicular access and associated roads within the site (16/01551/FUL). The original application was recommended approval by Officers, but refused by Councillors. The parent consent was varied in 2019 under application 18/01413/VCN and this was issued in March 2019.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection
Highways England	No objection
Lead Local Flood Authority	No observations received within the statutory timescales
United Utilities	No observations received within the statutory timescales
Tree Protection Officer	No observations received within the statutory timescales

5.0 Neighbour Representations

5.1 There has been **one** letter of representation received raising the points below;

- No objection to the drainage assuming the run off rate remains the same at 9 l/s and that the removal of the southern footpath and pedestrian access along on the southern extent of the site is a good idea but would have wished for more mature, instant planting.

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 11). The following sections of the NPPF are relevant to the determination of this proposal.

Section 4 – Decision making;
Section 5 – Delivering a sufficient supply of homes;
Section 8 – Promoting healthy and safe communities;
Section 9 – Promoting sustainable transport;
Section 12 – Achieving well designed places;
Section 15 – Conserving and enhancing the natural environment;

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

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

The Examination Hearing Sessions commenced on 9 April 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.

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.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Local Plan (saved policies)

E27 – Woodland Opportunity Areas
E31 – Key Urban Landscape

6.4 Lancaster District Core Strategy

SC1 – Sustainable Development
SC2 – Urban Concentration
SC4 – Meeting the District’s Housing Requirements

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland

DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential Dwellings

7.0 Comment and Analysis

The main considerations with this application are noted below:

- Highways
- Drainage proposals
- Building materials
- Landscaping

7.1.1 The site benefits from planning consent under application 16/01551/FUL, which was amended in March 2019 under application reference 18/01413/VCN. The application before Councillors is solely seeking to modify the requirements of the planning consent and therefore amending the wording of these planning conditions. Development commenced on site in March 2019 and the drainage infrastructure is currently being installed. A road closure is currently in place on Bowerham Lane whilst the connection point to the main sewer is being installed.

7.2 Highways

7.2.1 From a highway perspective the scheme seeks to remove the southern-most pedestrian access which would have been located outside the apartment block (Plots 22-25). Discussions between the developer and the Case Officer occurred in advance of this planning application being submitted. It was considered that whilst having a route may be beneficial, given all the major services are located to the north of the application site (such as the schools, bus stops and Bowerham Local Centre) the southern access was likely to be utilised very infrequently. County Highways are amenable to this removal as is the Case Officer. There is a gap in the hedgerow that has been created to facilitate the pedestrian access and plans have been shared which proposes replanting this section, which is supported by Officers.

7.3 Drainage Proposals

7.3.1 There have been some changes to the drainage proposals following further discussions with United Utilities (UU). A Section 104 Agreement is entered into by a developer when constructing new dwellings and the developer applies to UU requesting for the sewers to be adopted and therefore maintained at UU's expense. It is for this reason why there has been an amendment to the drainage scheme.

7.3.2 The applicant has stated that the UU's technical approval team for the Section 104 Agreement could not support the surface water drainage design. The initial design utilised pipe storage in the main road (adoptable) and attenuation under driveways (non-adoptable). Whilst the system in total was able to take a 1 in 100 year storm event, UU insists that the adoptable system be capable of taking at least a 1 in 30 year storm event by itself. This could not be achieved based on the current design.

7.3.3 The applicant states that the final design has now approved by UU and this was to install oversize pipes up to 1500mm in diameter under the road and remove the attenuation under the driveways. This has meant that the foul and surface water pipes have also had to swap sides in the road. Comments are still awaited from UU but the applicant states that the Section 104 package of works has been approved by UU's S104 design team and also UU's team responsible for looking after the water main on site. The applicant also states that the revised drawings have been shared with Lancashire County Council (the LLFA) and they have approved the Section 38 drawings based on this drainage design (this relates to the highway adoption).

7.3.4 Applications should be determined in a timely manner as prescribed by Central Government and this application is offered support on the basis of no objection from UU, who have at the time of drafting this Committee report yet to provide formal comments on the application. The surface water drainage scheme essentially achieves a similar goal compared to the previous iteration of the

approved scheme. Comments are still expected from the County Council as Lead Local Flood Authority (LLFA) and should these be received in advance of Committee, Councillors will be updated verbally. Comments are also expected on the foul water arrangements which have been tweaked to account of UU's Section 104 changes.

7.4 Building Materials

7.4.1 The applicant has applied to amend the palette of approved materials on the site which seeks to modify the approved brick from a Terca Gainsborough Multistock to a Terca Oakwood, in essence the bricks are very similar. Red brick is not traditionally used within the District but is within this area of Bowerham, so is in keeping with the locality. The applicant also seeks to modify the render from a buttermilk to a champagne. Officers have no concerns with the change, and it is considered to complement the brick. These changes are minor and can be supported by Officers.

7.5 Landscaping

7.5.1 The applicant has amended the landscaping scheme to account for the re-introduction of planting adjacent to 290 and 288 Bowerham Lane. Officers have no concerns with the re-introduction of the planting though consider that this should be undertaken in the first available planting season September 2019 to March 2020, which would assist with the visual amenity of the area and also the residents who live adjacent. Concern has been raised by a local resident regarding whether more specimen trees could be added. There is some merit in the residents suggestion, but Officers consider that the submission is proportionate to what is being applied for.

8.0 Planning Obligations

8.1 The extant Section 106 Agreement still applies and consequently there is no need for a deed of variation against the original consent.

9.0 Conclusions

9.1 The changes proposed by the application are relatively modest, and are in the spirit of the original consent. It is recommended to Councillors that the scheme is approved on the proviso that United Utilities confirm in writing that the proposed drainage scheme is acceptable. The removal of the southern pedestrian access is considered acceptable on the basis that the hedgerow that has been removed to facilitate this is re-instated within the first available planting season. All other changes are minor and supported. It is recommended to Councillors to support the applicant's proposals on the basis of no objection from United Utilities.

Recommendation

That subject to no objection from United Utilities, this Section 73 planning application to vary conditions 2, 4, 5, 10, 11, 12 and 17 associated with planning permission 18/01413/VCN **BE GRANTED** subject to the following proposed conditions:

1. Development in accordance with approved plans;
2. Development in accordance with approved access detail;
3. Offsite highway works in accordance with the approved plans;
4. Boundary treatments;
5. Development in accordance with the approved measures within the noise mitigation document;
6. Vegetation clearance;
- 7.. Landscaped bund in accordance with approved documents
8. Development in accordance with the submitted Arboricultural Implications Assessment
- 9.. Development in accordance with the approved landscaping scheme
10. Surface water drainage scheme implementation
11. Foul water drainage scheme
12. Garages and parking to be provided in full
13. Finished floor levels
14. Approved visibility splays
15. Removal of Permitted Development rights
16. Approved building materials
17. Protection of the water main protection

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

In accordance with the above legislation, the City Council can confirm that it 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.

Background Papers

None