

Agenda Item A6	Committee Date 24 June 2019	Application Number 19/00351/VCN
Application Site G And L Car Services Wheatfield Street Lancaster Lancashire		Proposal Erection of 41 houses and 24 apartments with associated access, roads and landscaping (pursuant to the variation of condition 2 and 16 and the removal of conditions 17 and 20 on planning permission 14/01208/FUL to retain the spoil and omit the area of open space to the southern part of the site and erect new fencing and an ivy screen fence)
Name of Applicant Jigsaw Homes Group		Name of Agent Miss Hannah Walker
Decision Target Date 16 July 2019		Reason For Delay N/A
Case Officer		Mrs Petra Williams
Departure		No
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

- 1.1 The application site is located approximately 0.3km west of the city centre. It is a 1.46 hectare linear parcel of land that was a brownfield site, but has subsequently been developed for 65 affordable residential units comprising 41 houses and 24 flats. The site is orientated north/south with the western boundary abutting the West Coast Rail Line. A small section of the site fronts Wheatfield Street from which vehicular access to the site is gained. Pedestrian access can also be gained to the site from the southern end of Blades Street, adjacent to the children's play area. Whilst the site is unallocated in the Local Plan, the properties on Blades Street and the properties on the east side of Wheatfield Street fall within Lancaster Conservation Area.

2.0 The Proposal

- 2.1 The application seeks to remove conditions 17 (boundary treatments) and 20 (landscaping and open space management plan) and to vary conditions 2 (the list of approved drawings) and 16 (landscaping scheme) on planning permission 14/01208/FUL to retain a pile of spoil and omit the area of open space to the southern part of the site, plant some new vegetation and erect an ivy screen fence.

3.0 Site History

- 3.1 The most relevant application relating to this site and the current proposal is:

Application Number	Proposal	Decision
14/01208/FUL	Erection of 41 houses and 24 apartments with associated access, roads and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
Fire and Rescue	Advises that it should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service.
Network Rail	Advises that the fence must be maintained and constructed wholly within the applicant's land ownership including foundations.
Tree Protection Officer	No objections to an amendment to the landscape proposals to create a bund in place of the original landscaped area. However, the applicant should make provision for additional planting elsewhere in the site to contribute to the loss. A revised landscape scheme will be required.
Public Realm Officer	No comments received within the statutory consultation period.
Conservation Team	No comments received within the statutory consultation period.

5.0 Neighbour Representations

5.1 10 local residents from within the development and the adjacent residential area have objected to the application for the following reasons:

- Loss of privacy;
- Adverse noise impacts;
- Adverse visual impacts;
- Adverse impact on prices of property on the adjacent residential road;
- Anti-social behaviour;
- Pressure on limited public open space in the area; and
- Lack of provision of public open space within the development.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 124, 127, 128 – Achieving well-designed places

Paragraphs 91, 92, 96 – Open space

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 Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Development Management Development Plan Document (adopted July 2014)

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

7.0 Comment and Analysis

7.1 There are 2 materials considerations arising from the proposal:

- Design and layout; and
- Loss of open space.

7.2 The southern end of the development site is currently served by 4 parking spaces behind which is a 2m high close-boarded timber fence. Between the tarmac surface and the visually impenetrable fencing, it gives the appearance of a very hard finish within this end of the site, which should have had a softer, verdant look. This application seeks to replace the close-boarded timber fencing with an ivy screen and a set of dark green metal mesh gates. The ivy screen will be set back 1.5m from the parking bays to allow this strip to be planted. These changes will improve the design and appearance of this part of the site, so conditions will need to be applied to ensure the works are undertaken and they are retained and maintained accordingly. Likewise, the acoustic fence to the western boundary of the site will need to be retained.

7.3 The approved plans showed a triangular area of green space to the southern end of the site. It was shown to measure 19m wide at the northern end of the space (excluding the embankment), narrowing to a point some 80m to the south. There was no requirement for this space to be provided by the Council's Public Realm Officer when the original application was being considered, with the Committee report for the original application only making reference to the space in passing as part of the description of the proposed development. In effect, it is a piece of land that was, and still is, very restricted given the proximity of the railway to the west, houses and their associated gardens to the east and the land levels. Furthermore, during the development of the site Officers considered that the space could be used for the depositing of some excess spoil (measuring c20m in length, 9m in width and over 2m in height). The space remains planted up and verdant in appearance, but it is not publicly available. However, the site does benefit from other public open spaces in close proximity - Dallas Road Gardens (c125m), Blades Street equipped play area (c25m), Fairfield Millennium Green (c500m), Quay Meadows (c600m), Giant Axe (c400m) and Lancaster Canal (c525m). 11 of the 51 replacement trees, to compensate for the loss of 20 individual trees and 11 groups of trees to facilitate the development, were due to be planted within this green space. In fact, 14 trees have been planted, though 4 of them appear to be dead, and 7 will require re-planting to facilitate the proposal. An updated landscaping plan has been requested and a verbal update will be provided to the Committee meeting in this regard.

7.4 Approving a Section 73 application effectively grants a new planning consent, so all the other conditions imposed on the original permission need to be considered. Many of the conditions have been fully satisfied insofar as details were agreed and those approved details have been implemented. However, a number of the conditions need to be re-imposed, albeit re-worded, as the approved and implemented details need to be retained and/or managed for the lifetime of the development. However, one condition relates to off-site highway improvement works, of which 2 elements have been implemented and the third (a contraflow cycle lane on the west-east section of Blades Street) is currently outstanding though the applicant has entered into a Section 278 agreement with the Highway Authority in this regard. The onus is on the Highway Authority to deliver these works and this is being chased accordingly by the City Council. A verbal update will be provided at the Committee meeting regarding this matter.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 The changes being proposed to the boundary treatments are acceptable and an improvement on the current situation, especially with the strip of landscaping being proposed between the parking bays and the southern boundary. The loss of the open space to the southern end of the site is unfortunate but is considered to be acceptable given the space was not a requirement of the original development, the space was and remains constrained, and site benefits from a number of other publicly available open spaces within a short walking distance. The application is therefore recommended for approval subject to conditions requiring the ongoing retention, maintenance and management of particular facilities and details.

Recommendation

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

1. Amended list of approved plans
2. Details of gates to be submitted and agreed; gates and replacement boundary treatments to be implemented within 3 months of the date of the decision and retained at all times thereafter, and new planting undertaken within the first planting season after the date of the decision and maintained thereafter
3. Affordable housing scheme Local letting plan
4. Protection of the visibility splays
5. Retention of cycle and refuse storage facilities
6. Retention of car parking facilities and managed in accordance with the approved Traffic and Parking Management Plan
7. Off-site highway works – contraflow cycle lane on Blades Street
8. Landscaping Management Plan
9. Retention of materials/details, including noise mitigation measures and boundary treatments
10. Maintenance and management of surface water and foul drainage systems
11. Removal of PD rights (Part 1 Classes A to G, Part 2 and Part 14)

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