

Agenda Item	Committee Date	Application Number
A8	20 July 2020	20/00307/VCN

Application Site	Proposal
Land south of Hala Carr Farm Bowerham Road Lancaster Lancashire	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the variation of condition 13 on planning permission 19/00456/VCN to amend the finished floor, and plot levels associated with plot number 1)

Name of Applicant	Name of Agent
Mr Chris Middlebrook	MCK Associates

Decision Target Date	Reason For Delay
15 June 2020	Officer workload

Case Officer	Mr Mark Potts
Departure	Yes
Summary of Recommendation	Approval

i) **Procedural Matters**

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 Road (also known as Bowerham Lane, but Road is used for consistency throughout the report) 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 hedgerow 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, with some units already constructed, 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 Road. These trees screen the site from existing 2 storey residential properties fronting the western side of Bowerham Road.
- 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.

2.0 The Proposal

- 2.1 The applicant proposes to amend the finished floor levels of Plot number 1 (the bungalow at the foot of the site) from the approved 73.2 metres Above Ordnance Datum (AOD) to 73.6 m AOD, due to the need to construct a retaining wall to the rear of the property. The applicant seeks to raise the plot level to ensure the 2.4 metre retaining wall can be constructed safely.

3.0 Site History

- 3.1 The relevant site history is noted below.

Application Number	Proposal	Decision
19/00456/VCN	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)	Approved
18/01413/VCN	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the modification to condition 6 (ii) on planning permission 16/01551/FUL to remove the requirement for street lighting at the junction of Bowerham Lane and Kempton Road, and 6 (iii) to remove the requirement for a pedestrian refuge, together with the submission of details to satisfy conditions 3, 4, 5 and 6 (highways requirements), 7 (foul water drainage), 8 (finished floor levels), 9 (surface water drainage arrangements), 10 (noise mitigation), 11 (earth bund details), 12, 13 and 14 (materials)	Approved
16/01551/FUL	Erection of 25 dwellings and creation of a new access and access roads	Allowed at Appeal

4.0 Consultation Responses

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

Consultee	Response
United Utilities	No objection to the condition being varied

5.0 Neighbour Representations

- 5.1 No representations have been received in relation to this planning application.

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 Following receipt of the Inspector's Report in June 2020, the policies in the emerging Local Plans for the Development Management DPD and the Strategic Planning and Land Allocations Document are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

Review of the Development Management DPD

DM29 - Key Design Principles

DM34 - Surface Water Run-Off and Sustainable Drainage

Strategic Policies and Land Allocations

SP3 – Development Strategy for the Lancaster District

SP6 – The delivery of new homes

H1 – Housing Development in Urban Areas

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

- 7.01. There are three main issues to consider as part of this planning application:

- Design considerations;
- Impact upon buried infrastructure; and
- Other considerations.

7.1 Design Considerations

- 7.1.1 Planning consent was awarded on appeal in 2018 for the erection of 25 new homes off Bowerham Road. Development commenced in early 2019, with the main spine road now being in place, and around 20% of the build already completed.

- 7.1.2 The application proposes a minor change associated with the finished floor levels of plot one, which is the first property on the development that overlooks Bowerham Road. The area is currently home to the site's compound. The approved plans show the finished floor level at 73.2 metres above ordnance datum

(AOD), the amended scheme provides for the levels to 0.4 metres higher at 73.6 metres AOD. Plot 1 is a bungalow with three windows on the rear elevation, two of which relate to bathroom areas and one relates to the kitchen. Hala Carr Farm is located to the east, approximately 10 metres away. Even with the increase in level changes, it is not anticipated that approval of this 0.4 metres rise would result in the development being overbearing or creating privacy issues. This is due to the orientation of the plot with Hala Carr Farm and the retaining wall that is proposed to be incorporated to the east of the main dwelling.

7.2 Impact upon buried infrastructure

- 7.2.1 There is a high-pressure water main that runs to the west of Plot 1. United Utilities were consulted to ensure the changes requested by the applicant could be accommodated. United Utilities raises no objection to the applicant's proposals, and with this it is assumed they are satisfied that the local infrastructure will be sufficiently protected throughout the construction and operational phase of the development. In any event conditions imposed on the previous consent provide for protection measures which shall continue to take effect with any approval of this scheme.

7.3 Other Considerations

- 7.3.1 Given this is a Section 73 application, which seeks to modify conditions to the existing planning consent, there is a need to re-impose conditions on the new planning permission (should Committee approve the development). All conditions that were imposed on 19/00456/VCN are still relevant, apart from that relating to vegetation clearance during bird breeding season. The reason being is that the development has commenced and to reimpose the condition would not be deemed necessary or reasonable.

8.0 Planning Obligations

- 8.1 The extant Section 106 agreement 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 this application merely involve an increase in height of 0.4 metres associated with the land levels of plot number 1. Plot 1 supports a 3-bedroom single storey bungalow. Whilst it would be sited higher than the adjacent Bowerham Road given its a single-story construction it would not result in any amenity concerns for surrounding residential properties or from a street-scene perspective. Therefore, the application is recommended for approval subject to relevant planning conditions.

Recommendation

That Planning Permission to vary condition 13 of planning permission 19/00456/VCN **BE GRANTED**, subject to the following conditions (with the removal of condition 6 of 19/00456/VCN relating to development outside of bird breeding season given development has commenced):

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. Landscaped bund in accordance with approved documents
7. Development in accordance with the submitted Arboricultural Implications Assessment
8. Development in accordance with the approved landscaping scheme
9. Surface water drainage scheme implementation
10. Foul water drainage scheme
11. Garages and parking to be provided in full
12. Finished floor levels
13. Approved visibility splays
14. Removal of Permitted Development rights
15. Approved building materials
16. 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.