

Agenda Item	A6
Application Number	17/00848/OUT
Proposal	Outline application for the erection of up to 75 dwellings with associated access
Application site	Land south of Playing Field Trumacar Lane, Middleton Road, Heysham, Lancashire
Applicant	Holden Homes Ltd
Agent	Miss Emily Robinson
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) Procedural Matters

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was presented to the Planning Regulatory Committee in June 2018. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration

1.0 Application Site and Setting

1.1 The 2.25 hectare application site is situated to the southern end of Heysham. The site is bordered by Middleton Road to the east, allotment gardens alongside the Heysham/Morecambe railway line to the south, the rear gardens of some of the properties on Oakville Road and Westmoor Grove to the west and Trumacar Lane playing fields to the north (in addition to 95 Middleton Road and the rear gardens of nos. 2 and 4 Trumacar Lane). The undulating site has a north-south ridge with land falling towards the west and east boundaries. Middleton Road sits higher than the site's eastern boundary with a noticeable dip between the site and the road along which the pedestrian path is situated. There are trees to all boundaries with the exception of the eastern one which is defined by a row of scrub and brambles. The site is undeveloped scrubland.

2.0 Proposal

- 2.1 The application seeks outline planning permission for the erection of up to 75 residential units. All matters are reserved with the exception of access. The proposed access, which is being applied for in full, would be created on the eastern edge of the site onto Middleton Road. Other matters, such as design (appearance, scale and layout) and landscaping, are in outline only.
- 2.2 The planning application is essentially the same as the planning application which was approved in 2014 (application reference 14/00175/OUT). This planning permission was never implemented and therefore has lapsed. The applicant re-applied for consent on the basis of the same scheme, but on the assumption that the scheme cannot make a viable contribution towards affordable housing provision and therefore zero was proposed. The lapsed scheme was approved on the basis that it would provide up to 40% of the units to be affordable.

3.0 Site History

- 3.1 The proposal was presented to, and resolved to be approved in June 2018 by, the Planning Regulatory Committee (the full report is appended). No one spoke either against, or for the application.

It was proposed by Councillor Eileen Blamire and seconded by Councillor Andrew Kay:

“That the application be approved.”

Upon being put to the vote, 12 Members voted in favour of the proposition with 1 abstention, whereupon the Vice-Chairman declared the proposition to be carried.

That Outline Planning Permission be granted subject to the signing and completing of a S106 agreement to secure the following obligations:

The provision of a minimum of 18.66% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs);

Education contribution of £56,869.24 for four primary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
The above 3 obligations are reviewed at the Reserved Matters stage;

Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

and the following conditions:

1. Timescales
2. Working Programme.
3. Access Details
4. Visibility Splays to be implemented measuring 2.4m x 90m
5. Offsite Highways Works (to include improvements to the existing footways along Middleton Road to support a shared surface for cycling and pedestrian movement, traffic calming together with bus stop provision on Middleton Road
6. Provision for a point of access to Trumacar Playing fields.
7. Submission of Arboricultural Implications Assessment, Tree and Hedgerow Protection Plan, Arboricultural Method Statement and Tree Works Schedule;
8. Provision for home owner packs;
9. Written scheme of archaeological investigation and subsequent implementation of such scheme
10. Contaminated Land Assessment and recording
11. Surface Water Drainage Scheme
12. Surface Water Management Scheme
13. Provision for foul water drainage details;

14. Development in accordance with the principles contained within the Flood Risk Assessment
15. Development in accordance with the principles contained within the Ecological appraisal
16. Finished floor and site levels
17. Open space provision, maintenance and management
18. No development over the public sewer that crosses the site
19. Electric vehicle charging points

4.0 Consultation Responses

- 4.1 As set out in the appended report, though given the significant time-period that has lapsed between the resolution and now, County Education has been asked to re-calculate the education contribution.

Consultee	Response
County Education	Initially requested 4 primary school places at a cost of £56,869.24 , but on 14 June 2018 requested £456,845.99 equating to 29 primary school places. Given the scheme is being re-presented, Officers have requested that the figure be re-examined based on current projections. Councillors will be verbally updated.

5.0 Analysis

- 5.0.1 The key technical matters have been addressed within the Committee report of June 2018 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020.

- 5.1 The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP1, SP3, SP6, SP8, H1.4, SC1 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM31 and of the Review of Development Management DPD (Adoption Edition July 2020).

- 5.1.1 The scheme was viability tested in 2018 given the policy position and evidence base at that time was seeking to secure 40% affordable housing provision. Through an independent review of viability, the scheme could only deliver 18.66% affordable housing provision and this was secured by legal agreement. Under Policy DM3 of the Review of the Development Management DPD (adoption edition July 2020), the figure is lower at 15% on greenfield sites across Morecambe, Heysham and Overton where the number of units is 10 or more. With this in mind only 15% affordable housing can be requested on this site and should be secured by legal agreement.

- 5.1.2 Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. This is to ensure dwellings are accessible and adaptable. Officers recommend a condition should be imposed on any planning permission requiring the internal space standards to be met. This is considered reasonable and a condition should be imposed requiring that at least 20% of the dwelling houses are M4(2) compliant, both within the unit and parking arrangements and access to the property.

- 5.1.3 Whilst there have been variations to other policies within the Local Plan, the site is allocated for 75 units under Policy H1.4. It is considered that there is stronger policy support for the scheme than in 2018. On the basis of the planning conditions as previously recommended being imposed on any consent, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition (for instance addressing air quality by electric vehicle charging points).

6.0 Conclusion and Planning Balance

6.1 The scheme previously constituted a partial departure from the Local Plan given the land to the east of the application site is allocated as Urban Green Space where only essential education or community related development will be permitted. The emerging position allocates the whole site for residential use under Policy H1.4. The approved scheme was viability tested and could only provide for 18.66% affordable housing provision. In Morecambe, Heysham and Overton only 15% affordable housing is now required to enable schemes to be deliverable, and therefore this is only what can be sought. On balance it is recommended to Councillors that the scheme is supported given its sustainable location, subject to the applicant entering into a Section 106 Agreement and the imposition of the conditions below.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to the signing of the Section 106 Agreement to secure:

- The provision of 15% of affordable housing to be based on a 50:50 (affordable rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs);
- Education contribution of £56,869.24 for four primary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution of £80,000;
- The above 3 obligations are reviewed at the Reserved Matters stage;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

and the following conditions:

Condition no.	Description	Type
1	Standard Timescales	Control
2	Working Programme	Control
3	Access Details	Pre commencement
4	Contaminated Land Assessment and Recording	Pre commencement
5	Surface Water Drainage Scheme	Pre commencement
6	Foul Water Drainage Scheme	Pre commencement
7	Written Scheme of Investigation Archaeology	Pre commencement
8	Finished Floor Levels	Pre commencement
9	Submission of AIA, Tree and Hedgerow Protection Plan	Pre commencement
10	Provision of Nationally described space standards across all units	Development above ground
11	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Development above ground
12	Provision of electric vehicle charging points	Development above ground
13	Offsite Highways Works (to include improvements to the existing footways along Middleton Road to support a shared surface for cycling and pedestrian movement, traffic calming together with bus stop provision on Middleton Road or Provision for a point of access to Trumacar Playing fields	Development above ground
14	Provision for home owner packs	Development above ground
15	Open space provision, maintenance and management	Development above ground

16	Surface Water Management Scheme	Development above ground
17	Visibility Splays to be implemented measuring 2.4m x 90m	Compliance
18	Development in accordance with the principles contained within the Flood Risk Assessment	Compliance
19	Development in accordance with the principles contained within the Ecological appraisal	Compliance
20	No development over the public sewer that crosses the site	Compliance

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

In accordance with the above legislation, 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 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.

Background Papers

17/00848/OUT – June 2018 Committee Report