

Agenda Item	Committee Date	Application Number
A10	25 June 2018	17/00848/OUT
Application Site	Proposal	
Land south of playing field Trumacar Lane Middleton Road Heysham Lancashire	Outline application for the erection of up to 75 dwellings with associated access	
Name of Applicant	Name of Agent	
Holden Homes Ltd	Miss Emily Robinson	
Decision Target Date	Reason For Delay	
28 November 2017	Awaiting viability information from the applicant and subsequent independent viability review	
Case Officer	Mr Mark Potts	
Departure	Yes	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 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 Trucamar Lane).
- 1.2 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.
- 1.3 The western half of the site is designated as a Housing Opportunity Site whilst the eastern half is designated as Urban Greenspace in the Lancaster District Local Plan. The full site within the emerging local plan is proposed to be allocated as a housing opportunity site.

2.0 The 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 has 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 planning history for the site goes back to 2001, with the 3 most relevant applications listed, which relate to the west and central parts of the site and the most recent the whole of the site.

Application Number	Proposal	Decision
01/00083/OUT	Outline application for residential development	Permitted
04/01637/REM	Reserved Matters application for the erection of 39 dwellings and associated works	Permitted
14/00175/OUT	Outline application for the erection of up to 75 residential units with associated access	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection to the scheme on the basis that: <ul style="list-style-type: none"> • Visibility splays of 2.4m x 90m are achieved and secured by planning condition; • Provision of off-site highway improvement works to include works along Middleton Road (shared pedestrian/cycleway on the west of Middleton Road and south side of Trumacar Lane and upgrade of the pelican crossing on Trumacar Lane) or works to allow a shared access across Trumacar fields; • The provision of 2 new bus stops and shelters on Middleton Road
Lead Local Flood Authority	No objection subject to the following conditions: <ol style="list-style-type: none"> 1) Development is in accordance with the submitted Flood Risk Assessment 2) Surface Water drainage scheme to be agreed 3) Surface Water Lifetime Management and Maintenance Plan 4) No occupation until such time a SuDS scheme and Surface Water Lifetime Management and Maintenance Plan is implemented 5) Restricting permitted development rights to manage flood risk 6) Construction and operation of attenuation/storage prior to main construction phase/occupation
United Utilities	No objection though recommends that foul and surface waters are drained on separate systems and that a surface water drainage scheme is implemented as part of any approval. United Utilities notes that there is a public sewer crossing the site and an access strip of metres is required.
Network Rail	No response within the statutory timescales
Office for Nuclear Regulation	No objection
Lancashire County Council Education	No objection has been raised though County Education requests that provision is made for 4 primary school places by way of a contribution of £56,869.24 (though this could rise to a maximum of £85,303.86 for 6 places).
Fire Safety Officer	No objection
Public Realm Development Manager	No objection recommends that 1256m ² of open space is provided on site. Given the number of units a play area will be required and an off-site contribution of £133,563 is required (Outdoor sports facilities (£76,155), Young people's facilities (£35,880), Parks and Gardens (£21,528)).
Lancashire Archaeological Advisory Service	No objection , but recommends planning conditions associated with a written scheme of investigation and its subsequent implementation.
Natural England	Initially raised concern given the proximity of the Morecambe Bay SPA, SAC, RAMSAR and SSSI, but via negotiation is now satisfied that the development can be found acceptable on the understanding that a planning condition associated with homeowner packs is imposed on any consent.

Electricity North West	No objection , but highlights that there is Electricity North West apparatus within the site and the applicant should be wary of these.
Contaminated Land Officer	No objection , but recommends planning conditions associated with contaminated land are imposed on any approval.

5.0 Neighbour Representations

5.1 The application has generated two objections raising the following issues:

Highways – A pedestrian footpath, crossing or footbridge should be incorporated in the plans; and
Sustainability Credentials – Lack of infrastructure locally to accommodate additional dwellings.

5.2 Councillor Colin Hartley has no objection in principle to housing but does object to any deviation from the provision of 40% affordable homes.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32, 34 and 38 - Access and Transport
Paragraphs 49, 50 and 55 - Delivering Housing
Paragraphs 56, 58, 60, 61 and 64 - Requiring Good Design
Paragraphs 69,70, 72 and 73 - Promoting Healthy Communities
Paragraph 103 - Flooding
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

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 enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

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
SC4 – Meeting the District’s Housing Requirements

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E29 – Urban Green Space
H3 – Housing Opportunity Site

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
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM48 – Community Infrastructure

6.6 Other Material Considerations

- Meeting Housing Needs Supplementary Planning Document;
- Surface Water Drainage, Flood Risk Management and Watercourses (May 2015);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points New Developments (September 2017);
- Affordable Housing Practice Note (September 2017);
- Low Emissions and Air Quality (September 2017);
- Local Plan Viability Assessment Stage One (May 2018)

7.0 Comment and Analysis

The main considerations with the application relate to the following:

- Principal of development;
- Viability;
- Greenspace;
- Access and Highway Safety;
- Surface Water and Foul Water Management;
- Ecology and Natural Environment;
- Environmental Impacts;
- Open Space; and
- Other Matters

7.1 Principal of Development

7.1.1 The site's planning history, both in terms of planning applications and local policy, establishes the principle of housing on the western half of the site. The proposal seeks to deliver up to 75 residential units. This is a significant amount of housing, which will contribute towards the Council's 5 year housing supply. The Office for Nuclear Regulation and other associated bodies have been consulted and they are satisfied that the development of this site for housing can be accommodated within the existing emergency planning procedures for evacuation in the event of a nuclear emergency.

7.1.2 As part of the emerging plan the site is allocated under Policy H1 (H1.7 – Land west of Middleton Road). The site is allocated for 69 dwellings and therefore the emerging position is quite clear in that whilst the eastern section of the site is allocated under Policy E29 and ordinarily a residential form of development would be refused, given the planning history of the site, and also the emerging position, whilst the scheme departs from the adopted Development Plan, Officers recommend that the principle of development can be supported on this site. Finally the site, though slightly divorced from the main part of Heysham by Trumacar Lane, is relatively well located for local facilities

including schools, shops, doctors and public transport. Subject to the loss of greenspace (see Paragraph 7.3), the proposal is acceptable in principle.

7.2 Viability

7.2.1 The application is submitted in outline form, with only the means of access being applied for. A viability report was submitted in support of the scheme which demonstrated that the scheme could not support any contribution towards affordable housing provision. There was provision within the Section 106 agreement attached to the lapsed planning consent to allow for negotiation on the quantum of affordable housing however the applicant considered the headline figure of 40% was the reason that the site never came forward. The submitted scheme by the applicant was on the basis of providing no affordable housing.

7.2.2 The applicant's appraisal has been independently reviewed by Lambert Smith Hampton on behalf of the Local Planning Authority. Through negotiation, a figure of 18.67% of the units are financially capable of being affordable units. This equates to 14 units on the basis that these are 4 x two bedroom units, 3 x three bedroom units, both of which are affordable rented properties and 4 x two bedroom and 3 x three bedroom properties of shared ownership. The figure is less than the 40% which was sought on the lapsed outline permission but when considering the Local Plan Viability Report (Stage One) May 2018, it is clear that Heysham attracts lower values compared to higher values to the east of the District. Furthermore, as part of the Council's evidence base it has been concluded that sites within Morecambe and Heysham can deliver 15% of the units to be affordable and therefore via negotiation, Officers are satisfied that the site is not capable of providing a greater quantum of affordable housing. In addition to securing affordable housing provision, an off-site open space contribution of £80,000 has been achieved together with securing £56,869.24 towards four primary school places. It is recommended that a legal agreement secures the education and off-site open space contributions.

7.2.3 The application is submitted in outline form, with only the means of access being applied for. The case officer had advised the applicant that in order to robustly demonstrate that the site could not support a greater quantum of affordable housing than the zero proposed, that matters associated with scale, appearance and layout were applied for. The applicant was not amenable to such a request. Amendments to the layout, house types and number of dwellings could have a marked effect on the affordable housing provision and therefore Officers recommend that once the layout, scale and appearance have been applied for, this is re-examined at Reserved Matters stage and a clause to this effect should be contained within the legal agreement.

7.3 Greenspace

7.3.1 The application site is designated for 2 different purposes. The Housing Opportunity allocation relates to the western half of the site, and therefore this proposal is in accordance with this policy. The Urban Greenspace allocation, which covers the residual part of the site to the east, seeks to protect such land from development. However, the land serves no existing purpose in this regard. It is unmanaged and inaccessible and therefore neither enhances the character of the local area nor provides any form of amenity space for formal or informal recreation. Furthermore, it is argued that the need for housing now outweighs the provisions of this policy in this particular case. The policy does allow for essential education or community related development or limited expansion of existing recreational uses. Whilst housing is not a community related development, the housing needs survey makes it very clear that there is a significant housing (open market and affordable) need across the whole District and therefore this proposal does go some way to deliver a community need. It is concluded that a reason for refusal based on the loss of this parcel of greenspace could not, in this instance, be sustained.

7.4 Access and Highway Safety

7.4.1 The stretch of Middleton Road adjacent to the application site falls between the large roundabout at the end of the Heysham bypass and the bridge over the Heysham-Morecambe rail line. There are currently 2 access points off this short stretch on the eastern side of the road into 2 small employment areas. County Highways raised no objection on the lapsed consent and their stance is similar here. They have requested slightly larger visibility splays than previous, increasing them from 2.4m x 70m to 2.4m x 90m. The applicant has submitted an amended plan to cater for these changes and the Highway Authority is satisfied in this regard.

7.4.2 Within the applicant's submission they show a potential access to the adjoining land to the north of the site, for which Officers believe falls within the ownership of the County Council (Part of Trumacar Primary School Playing Fields). There would be value in securing a route across the playing field to enable access, and a point of access to the playing field can be achieved. This would be the favourable route, though should this not be possible (bearing in mind the playing field may be protected, and the access route would require the benefit of planning permission for which the scheme is not seeking), then improvements to the existing footway so that it could be used for pedestrians and cyclists along Middleton Road to the roundabout, and extended along the frontage of the playing fields, should be sought (akin to what was sought in 2014). This should also include an upgrade to the existing pelican crossing on Trumacar Lane to a toucan and any additional footway works on the north side of Trumacar Lane, and associated bus stop provision. Matters concerning highways can be addressed by means of planning condition.

7.5 Surface Water and Foul Water Management

7.5.1 The site is situated in Flood Zone 1 but as it is over 1 hectare the application has been accompanied by a Flood Risk Assessment. The Lead Local Flood Authority raises no objection subject to the imposition of conditions controlling surface water on the site and these are considered reasonable and necessary. United Utilities also does not object to the application subject to conditions. Both consultees have requested that drainage details will be required for the drainage of surface water and foul. The former would be dealt with in accordance with sustainable drainage principles and the latter on a separate drainage system. It is therefore concluded from a drainage perspective the scheme is acceptable.

7.6 Ecology and Natural Environment

7.6.1 An Extended Phase 1 Habitat Survey was carried out at the site by qualified ecologist and this has been supplemented by a further visit by the applicant's appointed ecologist in June 2017. The walkover survey and desk based study combined provide an adequate assessment of the site and the habitats and species it supports. The development of the site for housing purposes would not have an adverse impact upon biodiversity interests subject to the series of recommendations as set out in the Phase 1 Survey being fully implemented. The recommendations should be conditioned to any outline consent granted. There are areas of priority habitat on the site in the form of a hedgerow situated along the boundary to the north of the site. It is considered that enhancement measures are imposed by means of planning condition. Natural England (NE) previously objected to the development given concerns that it may increase recreational pressure on the Morecambe Bay SPA, SAC, SSSI and RAMSAR (essentially more people visiting the Bay). Officers have liaised with NE, and they are now satisfied that the development is acceptable, subject to the provision of homeowner packs (to inform residents of the ecological designations). It is therefore recommended a condition is imposed to this effect.

7.6.2 An Arboricultural Implications Assessment was not submitted in support of the 2014 planning application, and one has not been submitted with this application. Given the scheme proposed is the same as the previous scheme, it is considered that planning conditions can be imposed to control works close to existing vegetation, notably the protection of the hedgerow to the north of the site.

7.7 Environmental Impacts

7.7.1 The application is supported by a contaminated land report from 2014 which was previously considered acceptable for the purposes of approving planning permission 14/00175/OUT, and conditions were imposed on the lapsed consent regarding contaminated land. It is recommended that planning conditions are imposed on this consent should Members determine to support this scheme. No observations have been received from the Council's Environmental Health Officers regarding noise or air quality, and whilst no conditions were imposed regarding these matters previously, it is considered that all dwellings should include an electric vehicle charging point and this can be addressed by means of planning condition.

7.8 Open Space

7.8.1 The Public Realm Officer has requested open space off-site contributions amounting to a total of £133,563 (based on 69 3-bed units). There was also a request to provide 1256m² of amenity space

on the site. Given the size of the site, Officers would normally advocate on site play provision. The lapsed planning permission provided for a financial contribution of £80,000 and this was to go towards an older children/young teenagers' facility within 1km of the site. It is noted, for example, that there is a community led programme to provide a recreational facility on land at Peel Avenue for bike and skateboard facilities and this is less than 400 metres from the site. The Public Realm Officer has been re-consulted to advise whether the position in 2014 is still applicable today, and Members will be updated verbally at Committee.

7.9 Other Matters

7.9.1 Whilst no archaeological conditions were contained on the 2014 planning consent, Lancashire Archaeological Advisory Services has advised that a condition should be imposed regarding a programme of archaeological work as there is some potential for preservation of archaeological remains on this site. It is considered reasonable to require this, and this can be handled by means of planning condition.

8.0 Planning Obligations

8.1 It is recommended that the following should be sought by way of legal agreement:

- 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);
- Open space off-site contribution of £80,000;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

These requirements are considered to meet the tests set out in Paragraph 204 of the NPPF. Given the scheme there is a need for a number of highway related works that would be undertaken under Section 278 of the Highways Act. These works can be conditioned.

9.0 Conclusions

9.1 The scheme does constitute 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. It is clear that based on the planning history of the site (including the 2014 lapsed planning consent) and the emerging position that officers can support the principle of development at this site. Whilst a lower quantum of affordable housing provision has been proposed as part of this scheme compared to the 2014 permission, it is clear that market conditions have changed, and the viability review has been the subject of independent review and it is recommended that a Section 106 secures the affordable housing provision (18.66%), off-site contribution towards open space and education contribution. On balance it is recommended to members that the scheme is supported subject to the applicant entering into a Section 106 Agreement and the conditions listed below.

Recommendation

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);
- 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:

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 or Provision for a point of access to Trumacar Playing fields.
6. Submission of Arboricultural Implications Assessment, Tree and Hedgerow Protection Plan, Arboricultural Method Statement and Tree Works Schedule;
7. Provision for home owner packs;
8. Written scheme of archaeological investigation and subsequent implementation of such scheme
9. Contaminated Land Assessment and recording
10. Surface Water Drainage Scheme
11. Surface Water Management Scheme
12. Provision for foul water drainage details;
13. Development in accordance with the principles contained within the Flood Risk Assessment
14. Development in accordance with the principles contained within the Ecological appraisal
15. Finished floor and site levels
16. Open space provision, maintenance and management
17. No development over the public sewer that crosses the site
18. Electric vehicle charging points

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 agent 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

None