

Agenda Item	A5
Application Number	20/00668/FUL
Proposal	Demolition of existing garages and dwelling, and erection of a 3 storey building comprising 21 two bed apartments and 21 one bed apartments (C3) with associated accesses and construction of a bike and bin store
Application site	Development Land, Bold Street, Heysham, Lancashire
Applicant	Mr James Litherland
Agent	n/a
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This application is being reported to the Planning Regulatory Committee because the site is Council owned land, and this is a major application recommended for approval to which objections have been received.

1.0 Application Site and Setting

- 1.1 The site extends to 0.27ha (0.66 acres). It is previously developed having been the site of a row of 17 terraced houses and commercial properties (bought by the Council and demolished around 5 years ago) and an existing vacant garage workshop and dwelling. Part of the site is hard surfaced with the rest rough and overgrown, partly used informally and without authorisation for car parking.
- 1.2 The site is irregular in shape within the urban area of Morecambe surrounded by residential, tourism and commercial properties ranging in age from Victorian to modern. These properties vary in height from 2 storeys to 5 storeys.
- 1.3 The site is affected by the following constraints: the whole site is in flood zone 2 (tidal) and at a 25% to 50% risk of groundwater flooding; a small part in the south east corner is at risk from 1:1000 surface flooding; within the Morecambe Bay and Duddon SPA buffer and SSSI Impact Risk Zone;

2.0 Proposal

- 2.1 The application seeks planning permission for the demolition of the existing garage workshop and vacant dwelling and development of the whole site with a three storey block of 42 residential flats comprising 21 1-bed and 21 2-bed private rental apartments with associated parking area, external bin and cycle stores and hard and soft landscaping.
- 2.2 The block is divided into 7 villas, each with its own front door serving 6 flats (2 on each floor) and fronts onto Bold Street. Each flat is dual aspect with views from the front and rear. The block is set

back from the pavement with a small garden area running the full length of the frontage with low black metal railings at the back of pavement.

- 2.3 The ground floor flats will have small private amenity spaces and there is a secure communal garden, bike store and bin store, all at the rear. The car park will be accessed off Back Winterdyne Terrace and provide 31 spaces. The area will be protected by surveillance from the flats and CCTV.
- 2.4 The car park will be landscaped and surrounded by 1m high metal railings. The private gardens will have 1.5m timber fencing and the communal garden, bike store and private access areas will be bounded by 1.8m high metal railings. The bin store will be constructed from 1.8m vertical timber fencing and be unroofed.
- 2.5 The flat block will be built from buff brick with a light coloured mortar under a dark grey concrete tiled roof using tiles with a thin leading edge. First and second floor bedrooms on the front and living areas on the rear will have full height glazing and Juliette balconies. All external window frames, doors and canopies will be slate grey. All balcony rails and rainwater goods will be black.
- 2.6 The design of the block has been amended at Officers' request from that originally submitted. The block is now proposed to step down towards the southern (Marlborough Road) end to reduce bulk and overshadowing of properties to the rear. The step down and addition of canopies above each of the villa's front doors adds interest to the front elevation and breaks up its mass.

3.0 Site History

- 3.1 Relevant applications relating to this site previously received by the Local Planning Authority are detailed below:

Application Number	Proposal	Decision
10/01110/DPA	Demolition of seven two storey residential properties for regeneration, 6-10 And 30 -36 Bold Street	Prior Approval - Demolition
10/01111/DPA	Demolition of two brick built detached garages for regeneration	Prior Approval - Demolition
19/00363/PRETWO	Demolition of existing dwelling and workshop and erection of 37 dwellings with associated parking and landscaping works	Advice issued

4.0 Consultation Responses

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

Consultee	Response
Economic Growth and Regeneration	Support as the site is a longstanding priority for regeneration in the West End Masterplan (2005)
County Highways	No objection to proposed parking as there is readily available access to a range of community services and a variety of frequent forms of public transport. Conditions requested for off-site highway improvements to reinstate/construct pedestrian footways around the perimeter of the site, review of street lighting arrangements and submission of a Construction Traffic Management Plan.
Environment Agency (EA)	No comments. Site is in flood zone 2 so standing advice applies.
Waste and Recycling	Comments: External bin stores should ideally be well illuminated, have natural surveillance and be roofed.
County Education	No education contribution is required
United Utilities (UU)	Object. Standard conditions requested because the proposed surface water run off rate is unacceptable.
Police	The development should follow Secured by Design Homes 2019 principles

Fire	Comments made relating to Building Regulations
Strategic Housing	Supports. Policy EC5 of the Strategic Policies and Land Allocations DPD is satisfied

4.2 Eighteen letters and a petition signed by 6 residents have been submitted objecting on the following grounds:

- Lack of parking spaces and worsening of existing parking problems on Bold Street
- Vetting of tenants and potential for residents' anti-social behaviour
- Fly tipping
- High density housing is inappropriate and should be family housing
- Loss of light
- West End Masterplan seeks to provide family housing
- Loss of open space
- Oversupply of 1 bed flats
- Applicant provides unaffordable rents for local people
- Need bungalows for older people
- Land should be a public park/wild garden
- Preventing use of own garage
- Lack of play facilities for children living in proposed flats
- Existing dwelling should be demolished [Officer comment – the dwelling is to be demolished as part of the development]
- Overcrowding in local area
- Effect on wildlife/loss of habitat
- Effect on property values
- Lack of public consultation
- Poor condition of local roads
- Noise from construction
- Strain on local services e.g. schools and medical facilities
- Frontierland and the outdoor swimming area are higher priorities for re-development

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Housing type
- Design
- Impact on neighbours
- Traffic/parking
- Other Material Considerations

5.2 **Principle of Development** SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, EC5: Regeneration Priority Areas; Development Management DPD Policies DM1: New residential development and meeting housing needs, DM2: Housing standards, DM3: Delivery of Affordable Housing and National Planning Policy Framework Sections 2, 5, 11, 12.

5.2.1 This site is located within the main urban area of Morecambe, close to local amenities and public transport links. It is therefore in a sustainable location and the principle of the development is acceptable. It has been a longstanding regeneration priority for the West End Masterplan (2005) to re-develop this site. In the masterplan the site was included within area 11 for high intervention due to exhibiting some of the poorest quality housing in the West End. A specific housing remodelling and improvement project was proposed for Bold Street and Marlborough Road to replace the old poor quality stock with new private housing. This proposal represents the final stage of intervention in this area.

5.2.2 Policy DM2 requires all new dwellings to meet the Nationally Described Space Standards (NDSS) except where it is agreed evidence on viability proves meeting such standards will render a scheme

unviable. A viability report has been submitted by the applicant and reviewed by both planning and Economic Growth and Regeneration Officers who agree the viability is marginal and increased costs could render the scheme impossible to deliver. The residual appraisal takes into account BCIS build costs (with regional adjustment) and likely revenue given the local market. This shows a profit to the developer of just 6.5% of the gross development value. The normal expected profit is between 16% to 20% although experience shows in times of a depressed market and thus greater risk developers look for 20% profit. NPPF and NPPG state that developments must deliver a return which does not undermine deliverability of a scheme. Ordinarily, such a low profit margin would not be acceptable to a developer. However, the viability report states that Placefirst's build, hold and rent approach allows it to accept a reduced development profit and take a rental income over a long term period. Therefore, Officers are content the scheme is only marginally viable yet deliverable as submitted.

5.2.3 This proposal has been subject to pre-application negotiations for over 2 years during which time the previous adopted local space standards were used to inform the design and against which the proposal complies or exceeds. It is only following adoption of the current Development Management DPD which uses the NDSS that greater internal space is now expected. Increasing the size of the units to meet the new standards will result in less dwellings being developed, the loss in value of which will not be made up by higher sales prices. For information, the comparison between the different standards is set out below:

	Bed 1 (m2)	Bed 2 (m2)	Bathroom(m2)	Living Space (m2)	Total (m2)
Proposal	10.2	8.9	3.7 to 4.2	16.8 to 20	36.6 to 49.4
Local Standards	10.2	4.7	3.7	16.7	n/a
National Standards	11.5	11.5	n/a	n/a	50 to 70

5.2.4 The circumstances of the marginal viability based on the smaller units' sales price, longevity of the process to reach this point and change in standards at the late stage, mean Officers accept it is not possible or desirable for the NDSS to be achieved in this case.

5.2.5 As the proposal is within the Morecambe West End Masterplan area, no affordable housing is required to be provided under policy DM3.

5.3 **Housing Type** DMDPD policy DM1: New residential development and meeting housing needs: **NPPF section 5**

5.3.1 The 2005 West End Masterplan aimed to replace both the poor housing stock and single bed flats with family housing. This is a point raised by a number of neighbours in their objections. However, during the procurement process for a preferred developer it became apparent viability and lack of further public subsidy meant re-development for new family housing was not viable. House prices are significantly lower than both the district and northwest averages (according to ONS figures for December 2019; only Poulton has a lower value housing stock in the District). The experience of all the masterplan housing projects is that development costs exceed end value necessitating gap funding or other subsidy. The only scheme shown to be viable to date is for 1 and 2 bed flats as submitted. The difference between the proposed flats and those subject to intervention under the masterplan is that this development will be high quality and well managed. Furthermore, previous schemes on Clarendon Road West, West End Road and Marine Road West included such units as there is an identified need in the district. This is borne out by the applicant who states that on their development on Chatsworth Road (*West End II*) they have *“three 1-bed apartments available and a further three under construction with a waiting list of 21 applicants for them. The lack of quality 1 bed apartments is a particular issue in Morecambe. We are committed to better serving this neglected segment of the market which often provide for sole occupants, first time entrants to the market and / or key workers.”*

5.3.2 This proposal represents a design solution reached after a long process that balances the masterplan objectives with the site's economic and physical constraints. Despite the original aims of the West End masterplan circumstances have changed and provision of 1 and 2 bed flats is acceptable in current circumstances as meeting an evidenced need.

- 5.4 **Design Consideration DMDPD DM29: Key design principles; DM30: sustainable design; NPPF section 12**
- 5.4.1 The site is of irregular shape formed as a result of the West End's regular orthogonal street pattern meeting the natural coastal curve of Marine Road West. This shape is a constraint on development and viability. Historically, there was a terrace of 2 storey residential and commercial properties fronting Bold Street, some with roof dormers to the front and rear. These properties had traditional rear yards with outriggers leading to a rear alley. Behind these were commercial buildings and a residential cottage on Back Winterdyne Terrace.
- 5.4.2 The design of the block seeks to maximise the developable part of the site fronting Bold Street through use of a 3 storey terrace. The awkward shaped land to the rear is then used as private amenity space, bin and bike stores and a landscaped car park for use by residents of the new development. The proposed buff coloured bricks and grey concrete tiles reflect those in the local area. The original terrace was hard against the pavement. The proposal includes a front garden space better reflecting the houses on the opposite side of Bold Street and creating a softer and improved street scene. The surrounding area is characterised by a mix of building heights in terraces of 2 to 5 storeys. In general terms the proposal fits in with the local urban grain and massing.
- 5.4.3 Officers were concerned that the original plans for a terrace with continuous ridge and eaves lines for the entire length and a rather flat vertical elevation would look too bland. Negotiations with the applicant had to balance use of measures to break up the frontage with increased development costs. Revised plans have been submitted which show a drop in the ridge and eaves lines by 450mm just over half way along the terrace for the final 3 villas. Each villa's front door will have a simple canopy roof above and the brickwork above each door to the eaves will be recessed slightly to provide some articulation. These changes are an improvement and welcomed. They do not go as far as hoped but given the viability concerns are an acceptable compromise.
- 5.4.4 The proposal includes photovoltaic solar panels on the roof of each villa. In line with policy DM30, this is welcomed.
- 5.5 **Impact on Neighbours DMDPD Policy DM 29; Key Design Principles**
- 5.5.1 Surrounding properties vary in height from 2 storeys on Marlborough Road to the rear, 2-3 storeys on the opposite side of Marlborough Road, 2 to 3½ storeys facing on Bold Street and 4-5 storeys fronting Marine Drive (and backing onto the site).
- 5.5.2 The former terrace which stood on the site was predominantly 2 storeys albeit the Committee report for demolition (10/01110/DPA) notes that accommodation was over 3-4 floors. Historic photographs show some dormers in the roof spaces facing front and rear. One such rear facing dormer was in a terraced house looking directly into the rear yard and windows of 19 Marlborough Road approximately 12.4m distance. The distance between the side of the outrigger in 19 Marlborough Road and the rear of the 2 storey outriggers on the demolished Bold Street properties appears to have been approximately 8m. The distance between those same windows in 19 Marlborough Road and the proposed block is 10.13m.
- 5.5.3 The separation distances with habitable room windows in surrounding properties are approximately 18m to houses on the opposite side of Bold Street, 10m at the nearest point to properties facing Marine Drive (but at an oblique angle) and 10.5m to the opposite side of Marlborough Road from the proposed gable. Clearly, all these distances are below the standards required in policy DM29 of at least 21 metres between facing habitable room windows and 11 metres between a habitable room window and wall with no such window. Therefore, the development could result in loss of privacy from overlooking for both existing residents and occupiers of the proposed flats. Furthermore, the bulk and massing of the 3 storey terrace could result in overshadowing and loss of light for existing residents and those in the ground floor of the proposed flats. This forms part of the planning balance in that section of the report below.

5.6 **Traffic/Parking** DMDPD Policy DM 62: Vehicle Parking Provision

5.6.1 Policy DM62 requires parking to be provided in accordance with appendix E of the Development Management DPD. Appendix E states that residential developments of flats are considered on a case by case basis for vehicle and cycle spaces. Lancashire County Council as the Highway Authority has confirmed it has no objection to the proposed 31 vehicle and 10 cycle spaces because the *“location of the application site provides readily available access to a range of community services and a variety of frequent forms of public transport.”* Some off-site works are requested by the Highway Authority to make the development acceptable i.e. reinstatement/improvement of footways and kerbs and a review of existing street lighting.

5.7 **Other Material Considerations**

5.7.1 **Ecology** (DMDPD Policy DM44 The Protection and Enhancement of Biodiversity) – There is no evidence of the site providing habitat for or existence of any protected or endangered species. However, a Habitat Regulation Assessment has been carried out which shows the potential impacts from increased recreational pressure are considered limited by the small size of the proposed development. However, to mitigate any increase, homeowner packs can be provided to each dwelling which is covered by a condition.

5.7.2 **Flood Risk and Drainage** (DMDPD Policies DM33 Development and Flood Risk, DM34 Surface Water Run-off and Sustainable Drainage and DM35 Water Supply and Waste Water) – The site lies within flood zone 2 (1:200 or greater annual probability of sea flooding). The applicant’s flood risk assessment states a comparison between tidal flooding levels and the crest level show that seawalls should not be overtopped or breached meaning the risk of flooding is low. The site appears suitable for a SuDS system to attenuate surface water run off plus allowing for climate change to ensure it does not pose a risk to site users or increase flooding elsewhere. United Utilities has objected on the basis of the surface water run off rates. UU has used greenfield rates whereas the applicant’s drainage consultant has used brownfield. The two parties are discussing this further and UU has requested standard drainage conditions which is appropriate as this is a technical matter that can be addressed.

5.7.3 **Contamination** (DMDPD Policy DM32 Contaminated Land) – Ground condition surveys have been carried out which conclude there are no significant contamination issues. A remediation strategy has been submitted that states soil management, use of appropriate PPE and dust control is adequate mitigation, which are covered by other legislation.

5.7.4 **Refuse store** (Planning Advice Note Waste and Recycling Provision at Domestic Dwellings) – refuse stores are normally required to be roofed to prevent seagulls being attracted and causing a nuisance. However, there is a sewer crossing the site and United Utilities will not allow a roofed structure within its easement.

6.0 **Conclusion and Planning Balance**

6.1 This site has long been part of the masterplan for regeneration of this part of Morecambe. It is the final project following demolition of the old unfit housing and renovation of other retained houses in the immediate area. It is in a sustainable location close to local amenities and public transport links. Therefore, in principle, there is no objection to this development.

6.2 It is still the case that the development should not cause unacceptably adverse impacts on existing residents through overshadowing or loss of privacy or the local area through poor design or creating/worsening traffic conditions. It is also important to make sure future residents have an appropriate standard of living. As set out in this report there are concerns about the design, size, bulk and consequential effects on the street scene and neighbouring residents’ living conditions. It is appropriate to balance this against the long term aims to regenerate this area to the benefit of all and meeting an evidenced housing need. The current site is unused, partly overgrown and contributes little in a positive way to the local area and a viable development is needed to improve this.

- 6.3 In design terms, the proposed height and width is not out of keeping being a 3 storey terrace in an area characterised by terraces of between 2 and 5 storeys in height. Concerns over the potential blandness of the front elevation have been partially overcome through amendments to break the ridge and eaves lines for three of the seven villas, addition of projecting canopies above the seven entrances and inset (by 25mm) brick panels on the floors above each front door. The front elevation is broken up by windows and full height glazing to upper floors with balcony rails. After discussions with the applicant, these changes were the most that could be secured without increasing development costs to the extent of making the scheme unviable. On balance therefore, the design is acceptable.
- 6.4 The greatest concern relates to separation distances between the proposed block and existing houses, which is deficient against current standard in all directions and could give rise to mutual loss of privacy and overshadowing. However, it is appropriate to take two factors into account:
- 6.5 First, the historic character and urban grain of the locality is multi floor terraces located very close to each other both facing and at right angles. Properties here traditionally have short rear yards with alleys behind where the current spacing standards are not met. The previous block on this site had this exact relationship with the row ending in 19 Marlborough Road. At present, on the corner of Alexandra Road and Marlborough Road 3 storey properties with clear glazed windows in the rear elevation of the outriggers are only 5 metres from 2 storey properties at right angles. Before the houses on this site were demolished they were overlooked by the 4/5 storey properties fronting Marine Drive.
- 6.6 Second, the NPPF requires best and most efficient use of land. It is inherent that sustainable development should be approved without delay. The current site is a wasted resource that contributes little positively to the local area. Its redevelopment will bring it back into positive use, providing homes meeting a recognised local need for the good of the wider population.
- 6.7 Therefore, in this case taking into account all circumstances relevant to this site and its surroundings and on balance, it is considered the benefits of the proposal outweigh the negative impacts and the recommendation is to grant permission.

Recommendation

That full Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Three-year permission	Control
2	Development in accordance with approved plans (to be listed)	Control
3	Detailed plans of site access	Pre-commencement
4	Finished floor and site levels	Pre-commencement
5	Submission of a drainage scheme	Pre-commencement
6	Submission of surface water drainage management and maintenance plan	Pre-commencement
7	Foul drainage system details required	Pre-commencement
8	Off site highway works (pavements)	Development above ground
9	Electric vehicle charging points	Development above ground
10	Material samples	Development above ground
11	Details of boundary treatments, including finishes.	Development above ground

12	Details of landscaping scheme and management plan	Development above ground
13	Details of canopies above entrance doors on the front elevation	Development above ground
14	Homeowner Packs	Development above ground
15	Security measures	Pre-occupation
16	Cycle store and refuse provision	Pre-occupation
17	Details of car park including disabled parking	Pre-occupation
18	Unforeseen contamination condition	Compliance
19	Development in accordance with the Flood Risk Assessment	Compliance
20	Construction Hours of Work (0800-1800 Mon to Fri and 0800-1400 Sat only)	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

None