

**Development Control Committee**  
Meeting to be held on 20th May 2015

Electoral Division affected:  
Lancaster South East

**Lancaster City: Application No. LCC/2015/0025**

**Two storey, eight bedroom detached Children's Residential Home to replace the existing home at 234 Bowerham Road, together with a 7 space car park, private garden amenity space and separate vehicle and pedestrian accesses from Bowerham Road. Land adjacent to 234 Bowerham Road, Lancaster.**

Contact for further information:

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**Executive Summary**

Application – Two storey, eight bedroom detached Children's Residential Home to replace the existing home at 234 Bowerham Road, together with a 7 space car park, private garden amenity space and separate vehicle and pedestrian accesses from Bowerham Road. Land adjacent to 234 Bowerham Road, Lancaster.

**Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, highway matters, landscaping, ecology matters, building materials and lighting.

**Applicant's Proposal**

Planning permission is sought for the erection of a 2 storey, 8 bedroom detached Children's' Residential Home to replace the existing home at 234 Bowerham Road that is deemed no longer suitable for that purpose.

The proposed building would be similar in appearance to a large residential dwelling and would measure 22.5m by 10m. The roof would be pitched with a ridge height of 8.5m and 5.5m to the eaves. A garden room measuring 6m by 4m by 4m high would extend from the rear of the house. The exterior of the house would have rendered walls with artificial stone quoins, sills and lintels to the windows and door surrounds. The roof would have Brecon grey coloured slate effect tiles. The doors and windows would be aluminium with white coloured frames and dark grey coloured sashes. A shed measuring 3m by 2.4m would be to the rear of the house.

The vehicular access from Bowerham Road would measure 4.5m wide and lead to a tarmaced car parking area measuring 26m x 10m to provide 6 spaces plus 1 disability space. There would also be a 2m wide pedestrian path with access gates just to the north. The car park and pedestrian path would have 0.9m high bollard lighting.

The site frontage on Bowerham Road would have 1.2m high railings to be coloured dark grey. The side and rear boundaries would have 1.8m high vertically boarded fence panels. The pedestrian path would lead from Bowerham Road at the north-east corner of the site.

3 mature trees would be removed as part of the development.

### **Description and Location of Site**

The site is an open area of land measuring approximately 66 by 30m (approximately 0.2 hectare) on the west side of Bowerham Road in a residential area approximately 2.2 km to the south of the centre of Lancaster. The site is separated from Bowerham Road by 1.5m high metal railings. To the north is the main car park for Moorside Primary School and a combined cycleway and public footpath with the school beyond, to the west is a watercourse and vegetation separating the site from houses on Ascot Close and to the south is the existing Children's Residential Home at 234 Bowerham Road from where the users of the proposed home would be relocated.

Two of the trees to be removed are located inside the metal railings fronting Bowerham Road with the third on the southern boundary.

### **Background**

There is no recent planning history relating to the site although it originally formed part of land associated with Moorside Primary School.

### **Planning Policy**

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17, 56 – 66, 70, 109, 123 - 125 are relevant with regard to the presumption in favour of sustainable development, core planning principles, the requirement for good design, promoting healthy communities, conserving and enhancing the natural environment, noise, dust and light pollution.

National Planning Practice Guidance

Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031  
Development Management Development Plan Document (DPD)

Policy NPPF1 Presumption in Favour of Sustainable Development

Policy DM22 Vehicle Parking Provision

Policy DM23 Transport Efficiency and Travel Plans

Policy DM27 Protection and Enhancement of Biodiversity

Policy DM29 Protection of Trees, Hedgerows and Woodland

Policy DM35 Key Design Principles

Policy DM40 Protecting Water Resources and Infrastructure

Policy DM45 Accommodation for Vulnerable Communities

## **Consultations**

Lancaster City Council – No objections subject to the imposition of conditions relating to landscaping, protection of existing trees, land contamination, contamination of water and storage of oils and fuels.

LCC Developer Support (Highways) – No objection subject to the imposition of a condition to require that no development shall take place including any works of excavation until a construction management plan has been submitted to and approved in writing by the local planning authority, to show how traffic to and from the site will be managed during construction.

LCC Specialist Advisor (Ecology) – No objection subject to the imposition of conditions relating to the following:

- To avoid impacts on nesting birds.
- Details of the landscaping to provide replacement trees for the two to be felled along the site frontage and for hedge planting to provide wildlife habitat.
- Details of the boundary fencing to provide gaps at the base so as to assist with habitat connectivity.
- Opportunities for the incorporation of bird nesting and bat roosting measures into the fabric of the development.

Environment Agency - No objection.

Representations – The application has been advertised site notice and neighbouring residents have been notified by letter. Five representations have been received raising the following objections:

- The view of the new home from houses opposite.
- Two mature trees of high visual and ecological value will be cut down.
- A precious piece of green space used by children for playing and by wildlife in a built up area will be lost and hence they will all have nowhere to go. A more sensible option would be to rebuild on the current site.
- Traffic, parking and construction vehicles and the associated danger to pedestrians will increase even more in the local residential area that is already struggling to manage with the expansion of Moorside School.
- The site and location plans do not show the 12" diameter high pressure gas main running under the grass verge between the pavement and the railings that is Lancaster University's gas supply. If the gas main is damaged there may be an explosion. All pipes, drains and services should be marked on the plans to avoid future problems.
- The parking provision is inadequate. There should be enough spaces on site for all staff members to avoid parking on the public road.

## **Advice**

Planning permission is sought for the erection of a 2 storey 8 bedroom detached Children's Residential Home to replace the existing home at the adjacent 234 Bowerham Road. This will allow the existing home to stay in operation until the proposed replacement home is completed thereby minimising disruption to the children and staff. The home will cater for children from diverse backgrounds and so will have the layout of a traditional house but with added office and meeting space and additional car parking for the 7 day staff and 3 night staff. 6 of the bedrooms will be for use by individual children and 2 bedrooms will be used by staff sleeping over.

The replacement home is seen as the best option as the current home is deemed unsuitable in terms of Ofsted standards for the following reasons:

- there is insufficient communal living space for residents,
- the 2 attic bedrooms cause problems associated with general access and egress, supervision and seasonal thermal extremes,
- inconsistency in bedroom sizes,
- poor size, location and proportion of administrative offices,
- significant issues with the drainage system that has resulted in effluent surfacing in the living room and which are proving difficult to resolve,
- Maintenance issues, and need for interior and exterior refurbishment.

Several options to address these issues including partial demolition, remodelling and extensions have been considered but a new home to the standards required by Ofsted was found to be the best option. The existing home will be sold. A search for a suitable site in the Lancaster area was undertaken that proved unsuccessful except for the proposed adjacent site.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site is made up of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD).

The main issues associated with the application are the need for the proposal and, the design of the house to meet the needs of the users and their carers, the impact on nearby residential amenity, ecology, traffic and watercourses.

The land is not the subject of any site specific policy but Policy DM45 of the Lancaster District DPD supports proposals for accommodation for vulnerable groups provided they meets the genuine housing needs of the intended occupiers and the standards regarding facilities, independence, support and / or care needs, that sites are accessible to public transport, shops, community facilities and the social networks appropriate to the needs of the intended occupiers, the accommodation is affordable and is supported by a care plan and risk assessment.

Relevant general planning policies are Policy NPPF1 of the Lancaster District DPD which seeks to secure development that improves the economic, social and environmental conditions in an area, and seeks to approve without delay planning applications that accord with the policies in the Lancaster District DPD, unless material considerations indicate otherwise. Policy DM35 of the Lancaster District DPD seeks to ensure, amongst other things, that new development demonstrates a number of general principles; contributes positively to the identity and character of an area through good design, having regard to appropriate siting, layout, separation distances and scale, ensures no significant detrimental impact to amenity in relation to visual amenity, privacy, noise pollution, overlooking and air quality, and ensures that safety and security are fully considered through the design process.

The Children's Residential Home would resemble a large domestic detached house in appearance. The building frontage would be to Bowerham Road and reflects the general orientation of the existing houses and school along the road. The house would be set back 14m from the pavement on Bowerham Road to allow car parking to the front. The site slopes down from Bowerham Road which would reduce the visual impact of the building when seen from the public highway. The proposed building materials would be suitable for a house and the separation distances from the nearest residential properties would ensure the proposal would not adversely impact on the visual amenities of local residents. The internal design of the house would meet the needs of the users and their carers. The location would be accessible by public transport and provide easy access to shops, community facilities and the social networks appropriate to the needs of the intended occupiers. The site fronts Bowerham Road that is a primary bus corridor and therefore complies with Policy DM23 of the Lancaster District DPD that seeks to support proposals which maximise opportunities for the use of sustainable modes of transport.

The concerns of the local residents regarding the loss of the green space used by children for playing are acknowledged. However, the site is not designated as public open space. The loss of the trees on the site frontage could be compensated by replacement planting. In relation to the concerns about the 12" diameter high pressure gas main along the site frontage, the applicant has advised that the pipe is outside the application site and will be hand dug to ascertain the depth and avoid damage.

The building materials can be secured by condition. Control of the height, design and colour of the railings to the site frontage, the access gates to the car park and pedestrian path, the boundary fencing, lighting and landscaping can be also required by condition. To protect the amenities of the nearest properties and the surrounding area during the construction phase of the development, a condition is proposed restricting the hours within which construction work may be carried out. Lancaster City Council have recommended that no development shall take place until a land contamination and remediation scheme for the site has been submitted to and approved in writing by the local planning authority. This land contamination and remediation scheme also refers to any soil or soil materials imported to the site from outside the site boundary. However, the applicant has undertaken a ground investigation which suggests that this site has never been subject to any previous contaminating use and therefore the conditions suggested by the City Council relating to contamination and remediation are considered unnecessary. Subject to

conditions relating to building materials, landscaping and boundary treatments the size, location and design of the proposed development complies with Policies NPPF1, DM23, DM29, DM35 and DM45 of the Lancaster District DPD.

The location of the vehicular access to the site would be 25m from the entrance to the main car park for Moorside Primary School. This position allows good sight lines down Bowerham Road. The gates to the vehicle entrance would be set back 5m from the edge of Bowerham Road to allow vehicles to pull off the highway should the gates be closed. The separate pedestrian access should reduce the potential for vehicle/ pedestrian conflict.

LCC Developer Support (Highways) has not objected subject to a condition being imposed requiring a construction management plan to be submitted to and approved in writing by the local planning authority, to show how traffic to and from the site will be managed during construction, including the provision of any contractor's compound and illumination thereof. However, given the relatively small scale of the development, it is considered that such a condition is not necessary to make the development acceptable and would therefore not meet the tests for conditions in the NPPF.

The car parking area would consist of 6 spaces plus 1 disability space. Policy DM22 of the Lancaster District DPD states that in relation to the provision of car parking, development proposals will be considered acceptable where the design of the proposal incorporates provision of car parking that accords with the levels and layout requirements set out in Appendix B of that document. In Appendix B, the standards for car parking at a residential care home are a maximum of 1 space per 5 bedrooms with disabled parking to make up 6% of the number of parking bays. The home would have a total of 8 bedrooms (6 for individual children and 2 for staff sleeping over). The parking standards at this site would therefore allow for a maximum of 2 spaces plus 1 disability space. The proposed number of 6 spaces plus 1 disability space would therefore exceed Lancaster City's parking standards by 4 spaces. However, given the nature of care required at the home by a maximum of 7 staff during the day and the fact that Lancaster City Council have not objected, the proposed number of parking spaces is considered acceptable. A condition is also proposed requiring the car parking spaces and manoeuvring areas to be marked out before the proposed building is brought into use. Subject to such conditions the parking area is considered acceptable for the purposes of Policy DM22 of the Lancaster District DPD.

An ecological assessment has been submitted with the application and concludes that no protected species or birds would be affected by the proposal. The County Council's Specialist Advisor for Ecology has advised that surveys have been carried out to the necessary standards and that the conclusions of the survey are acceptable. It is suggested that conditions be imposed to avoid impacts on nesting birds and to include opportunities for the incorporation of bird nesting and bat roosting measures into the fabric of the development. In line with their comments and those of Lancaster City Council, conditions are therefore proposed for protection measures for the trees and hedgerows near to the proposal and a replanting, maintenance and landscaping scheme. Subject to such conditions, the development would accord with Policy DM27 of the Lancaster District DPD. In the event that tree

felling, vegetation clearance or other works with the potential to disturb nesting birds are carried out during the bird nesting season (March – August inclusive), then the absence of nesting birds should be confirmed in advance by a suitably qualified and experienced individual. If nesting birds are present, then works must be delayed until such time as nesting is complete. A note is proposed to address this.

The site is not located in a Flood Risk Zone but it would be adjacent to an ordinary watercourse and proposes discharge of surface water into the watercourse. Lancaster City Council have recommended that no development shall take place until an assessment of the potential of any reasonable foreseeable activity on the site to cause contamination of land or water (including from surface run-off) has been submitted to and approved in writing by the local planning authority, and that all tanks are to be sited within impervious bunds in accordance with Environment Agency guidance, and with a capacity of at least 110% of area of bunded tank. Subject to such conditions, the development would accord with Policy DM40 of the Lancaster District DPD. However, as discussed above, the site does not have a history of previous contaminating uses and therefore the likelihood of run off from the site causing pollution to watercourses is considered low. The conditions suggested by the City Council are therefore unnecessary.

In conclusion, the proposed Children's' Residential Home would provide accommodation of a good modern standard for children from diverse backgrounds and their carers as a replacement to the existing home at the adjacent site at 234 Bowerham Road and would allow the existing home to stay in operation until the proposed replacement home has been constructed to minimise disruption to the children and staff. The development is acceptable in terms of design and the visual amenities of the area and accords with the policies of the NPPF and the Lancaster District DPD.

In view of the nature, location and purpose of the proposal it is considered that no Convention Rights as set out in the Human Rights Act would be affected.

## **Recommendation**

That planning permission be **Granted** subject to the following conditions:

### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

### **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 5th March 2015 and Extended Phase 1 Habitat Survey received on 30th April 2015.

b) Submitted Plans and documents received on 5th March 2015:

Drawing No. A-03 Rev. A - Ground Floor Plan  
Drawing No. A-04 Rev. D - First Floor Plan  
Drawing No. A-05 Rev. A - Elevations  
Drawing No. A-20 Rev. C - Site Layout  
Drawing No. A-21 Rev. A - Site Entrance  
Drawing No. L.01 - External Works and Landscaping

c) All schemes and programmes approved in accordance with this permission.

*Reason: To enable the adequate control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF1, DM22, DM23, DM27, DM29, DM35, DM40 and DM45 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*

### **Hours of Working**

3. No ground engineering, construction operations or delivery or removal of materials shall take place outside the hours of:

0800 to 1800 hours, Mondays to Friday (except Public Holidays)  
0800 to 1700 hours, Saturdays

No construction operations or delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*

### **Highway Matters**

4. Measures shall be taken at all times during the construction of the development to ensure that no mud, dust or other deleterious materials are tracked onto Bowerham Road by HGV's leaving the site.

*Reason: In the interests of highway safety and to conform with Policy DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*



5. Provision shall be made during the construction of the development for the parking of contractor's vehicles within the application site so as to minimise the parking of such vehicles on Bowerham Road.

*Reason: In order to avoid conflict with other road users during the construction period, in the interests of highway safety and local amenity and to conform with Policy DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*

6. Prior to the building being brought into use the car parking area shall be surfaced and the parking spaces including the disabled parking provision shall be marked out on the surface of the car park in the positions and to the dimensions as shown on Drawing No. A-20 Rev. C - Site Layout, Drawing No. A-21 Rev. A - Site Entrance and Drawing No. L.01 - External Works and Landscaping.

*Reason: To ensure parking provision in accordance with adopted standards and to conform with Policies DM22 and DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*

## **Landscaping**

7. No development shall commence until a scheme and programme for the landscaping of the site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of new tree and shrub planting to include replacement trees for those lost during the development at a minimum ratio of 3:1 (3 new trees for each tree removed or damaged) including details of species, numbers, locations to be planted, planting methods and protection measures.

The approved planting works shall be implemented in the first available planting season following the completion of the development and shall thereafter be maintained for a period of five years including weed control, replacement of failures and maintenance of protection measures.

*Reason: In the interests of visual and local amenity and to conform with Policies DM29 and DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*

8. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

*Reason: To protect nesting birds and to conform with Policy DM27 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*

## **Building Materials**

9. The building materials to be used for the external elevations, roof, doors and windows of the development shall conform to the specification shown on Drawing No. A-05 Rev. A - Elevations.

*Reason: In the interests of the visual amenities of the area and to conform with Policy DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*

10. No development shall commence until a scheme and programme for the details of bird and bat nesting / roosting bricks or boxes to be incorporated into the external elevations of the approved buildings has been submitted to the County Planning Authority for approval in writing. The details shall contain information on the number, design and location of bird and bat nesting / roosting bricks or boxes to be installed.

Thereafter the approved measures shall be incorporated into the construction of the building or landscaping.

*Reason: To provide opportunities for nesting birds and bats and to conform with Policies DM27 and DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*

## **Floodlighting**

11. No development shall commence until a scheme and programme for the external lighting of the Children's Residential Home including the building and car parking area has been submitted to and approved in writing by the County Planning Authority and approved in writing. The scheme and programme shall include details of:

- a) Type and intensity of lights.
- b) Types of masking or baffle at head.
- c) Type, height and colour of any lighting columns.
- d) Number and size of lighting units per column.
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties.
- f) Phasing of the implementation of the approved scheme.

Thereafter the external lighting of the Children's Residential Home shall be erected and operated in accordance with the approved scheme and programme.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.*

## **Definitions**

Planting Season: The period between 1 October in any one year and 31 March in the following year.

## **Notes**

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the access commence you should contact the Area Manager (Public Realm) [North] [address and telephone number see below] quoting the planning permission reference.

Area Manager (Public Realm) North: Hampson Lane, Hampson Green, Galgate, Lancaster LA2 0H7 Tel: 01524 752290

The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

## **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2015/0025	05 March 2015	Rob Jones/Environment/ 34128

Reason for Inclusion in Part II, if appropriate

N/A