

Agenda Item	A10
Application Number	21/01522/FUL
Proposal	Demolition of existing managers house and erection of 2 storey building comprising of 4 1-bed flats (C3) and mixed use community room and office to serve wider sheltered housing scheme
Application site	1A Alder Grove Lancaster Lancashire LA1 5SD
Applicant	Lancaster City Council
Agent	Mason Gillibrand Architects
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Refusal

(i) Procedural Matters

This submission is classed as a minor application and would normally be dealt with under the Scheme of Delegation. However, the application site is owned by Lancaster City Council, and as such the application must be determined by the Planning Committee.

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is located within Alder Grove on the Marsh estate in Lancaster. Alder Grove is a cul-de-sac comprising sheltered housing of 53 bungalow units which are a mix of 1 and 2 bedroom properties, for elderly and disabled people. The sheltered housing scheme is owned and operated by Lancaster City Council and is one of the largest housing schemes in the district.
- 1.2 The subject building is a two-storey detached property with a connected garage stepped back from the principal elevation and the road. It was formerly a manager's house associated with the adjacent sheltered housing, but it is no longer used. The existing property is red/brown brick with concrete tiled roof. The single storey garage is flat roofed and there is a small external yard to the western side of the main building. Surrounding properties are of a similar brick construction but properties within the wider estate are generally two-stories with dash rendered elevations.
- 1.3 The site lies within Flood zones 2 and 3 and the site lies within the Morecambe Bay/Duddon SPA Buffer zone for residential development.

2.0 Proposal

- 2.1 The application proposes the demolition of the existing redundant managers house and the construction of new two storey building to create four flats with an adjoining communal day room with managers office above. The building would have a twin mono-pitch roof design and the proposed external finish is render, with grey windows and a standing seam effect single ply membrane roof system.
- 2.2 The four 1-bed flats have been designed to provide accessible living, including fully accessible shower rooms. The first floor units have an oversized access stair to accommodate a stair lift should a resident require one. The proposed first floor office will provide a base for the site manager to visit on a daily basis to visit vulnerable residents and offer the support they need.
- 2.3 The existing communal day room is located 15 metres to the south-east of the application site within no. 11 Alder Grove which was originally built as a dwelling. However, this property is not within the red edge and the change of use of this building would need to be considered under a separate application.

3.0 Site History

- 3.1 There are no previous planning applications relating to this site.

4.0 Consultation Responses

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

Consultee	Response
Environment Agency	No objections –subject to conditions to ensure the development is carried out in accordance with the revised FRA.
County Highways	No objections – raises concerns regarding one of the proposed bin stores, the lack of off -street parking and the provision of a charging point for an electric vehicle.
Housing Strategy Officer	No objections - the proposal will provide a further 5 dwellings taking account of the existing community centre which can be brought back into use and the additional 4 new build properties.
United Utilities	No objections – requests further details of indicative foul and surface water drainage strategy.
Environmental Health	No objections - demolition of buildings on site should be in accordance with a management plan to minimise dust emissions and other disturbances to neighbouring residents.
Fire Safety Officer	Advice

- 4.2 The following responses have been received from members of the public:

- The Ward Councillor Mandy Bannon has offered full support this scheme as it will greatly benefit existing and future residents of Alder Grove.
- The existing house is unusable and structurally unsound and is therefore a liability rather than an asset for the Council.
- The design will provide attractive, affordable, sustainable accommodation, benefiting from solar panels, which will help keep bills low.
- Electric vehicle charging points are provided as part of this scheme.
- The proposal would release another home, which is currently being used as a community room.
- This type of one bedroom adapted housing is in extremely short supply in Lancaster,
- The huge benefits of this application outweigh the flood risk and the community day room specifically for Alder Grove cannot be located anywhere else (in Flood zones 1 or 2).

5.0 Analysis

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

- Principle
- Flood risk
- Design and appearance
- Residential amenity

5.2 **Principle:** NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), and 60-61 and 73-79 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD Policies SP1: (Presumption in Favour of Sustainable Development), SP2: (Lancaster District Settlement Hierarchy), SP3: (Development Strategy for Lancaster District), SP6: (The Delivery of New Homes), Development Management (DM) DPD Policies DM1: (New Residential Development and Meeting Housing Needs) and DM3 (Delivery of Affordable Housing).

5.2.1 The site is located within the urban area of Lancaster and lies adjacent to existing residential development. Part of the site is previously developed, containing two dwellings and outbuildings which have been vacant for some time and in disrepair. It is close to existing public transport links and services and is therefore considered to be a sustainable location where residential development is supported in principle, in accordance with the settlement hierarchy and development strategy set out within the Strategic Policies and Land Allocations DPD.

5.2.2 The Housing Strategy Officer has advised that the impact of the Covid 19 pandemic has resulted in a marked decrease in the supply of social and affordable housing in the Lancaster district due to a significant fall in the number of new dwelling completions year on year (with only 17 new affordable dwellings being completed in 2020/21 and of these only 6 were let as rented accommodation).

5.2.3 The submission sets out that the existing communal day room is not fully accessible and the facilities are limited. The room has been formed by opening up a former living room and bedroom, but the room has little or no aspect onto the communal gardens (with high window cills), limited natural daylighting and the principal access door and corridor is too narrow for individuals with mobility impairment or wheelchair users. Those users have to enter through a fire escape door. The toilet provision is largely retained from the former residential unit and has very little provision for accessibility. The submission states that this building would be brought back in to use as a residential unit following the creation of the new communal day room within the proposed development. However, as highlighted within paragraph 2.3 the existing day room does not form part of this application.

5.2.4 Overall, the provision of housing and facilities which meets an identified need is a material consideration in the assessment of the proposal. The provision of four affordable flats is welcomed in principle.

5.3 **Flooding and drainage:** NPPF paragraphs: 159-165, 167 and 169 (Planning and Flood Risk); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water).

5.3.1 The site is located within Flood Zones 2 and 3a and as such is defined as having a high probability of flooding in the National Planning Practice Guidance. Given the location of the proposed residential development, within Flood Zone 3, a Sequential Test is required to assess whether more appropriate locations exist which are in areas which are at lower risk from flooding. The need for and importance of the Sequential Test is set out in paragraph 162 of the National Planning Policy Framework (NPPF) which states that 'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding.'

5.3.2 The NPPG in paragraph 23 sets out that avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere,

the sequential test still needs to be satisfied. Reasonably available sites are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'. The absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications.

5.3.3 If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

5.3.4 The applicant has submitted a Flood Risk Assessment which includes a Sequential Test. In order to assess this, the local planning authority needs to consider the scope of the test. Paragraph 27 of the NPPG states that 'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.' The type of development proposed is residential which, if permitted, would assist in meeting housing needs within the district. The Housing Needs study commissioned in 2017 has provided significant weight to the formulation of the adopted Local Plan, Meeting Housing Need SPD and the Homes Strategy for Lancaster district. The study calculated that over 6000 households have need of affordable housing in Lancaster district when the study was commissioned and identified an annualised affordable housing imbalance of 376 dwellings across the district each year.

5.3.5 The submitted Sequential Test (ST) states in considering other sites, those in remote rural areas were discounted as being inappropriate as the purpose of the proposal is to provide accommodation for residents with restricted mobility who would need good access to support services and medical facilities. The ST considered suitable potential sites using the following criteria:

- Sites with the capacity for more than 2 dwellings excluded as being too large.
- Sites to have potential for 4 flats.
- Sites to be in urban areas with access to support services and medical facilities.
- Sites to be within Flood Zones 1 or 2.

The ST refers to sites allocated for housing in the Local Plan but states that all of the allocated sites are too large for the proposed development. The ST also refers to sites with outstanding planning permissions but discounts sites with a capacity for only one house on the basis that this would not provide sufficient capacity for the proposed development. Sites described as being in the Open Countryside or rural locations were also discounted. This left a residual number of 19 sites having capacity for 2 dwellings considered to be potential alternative sites. Of these, only one site was considered to be potentially suitable but not available as already being developed. The ST also considered site on the open market within 10 miles of Lancaster. This search identifies 10 sites but these were considered inappropriate due to either size or rural location. The ST concludes that the search for alternative sites has been unsuccessful and goes on to argue that the proposed development is intrinsically linked to the surrounding community and as such the facilities it would provide would not be available to that community if it were to be located elsewhere.

5.3.6 The Housing Strategy Officer has highlighted that the council has very limited land, which is available, suitable and deliverable and that any sites in an alternative location will not enhance the council's existing sheltered housing scheme at Alder Grove. The Housing Strategy Officer goes on to emphasise the importance of the local authority being able to take every opportunity to provide affordable housing on its own land to contribute towards this. However, as highlighted in paragraph 5.3.2 land ownership is not a consideration of the Sequential Test.

5.3.7 Given that there are many locations within the District which are on land outside Flood Zones 2 and 3, it is considered unlikely that there would not be reasonably available sites elsewhere at a lower risk of flooding which could accommodate the all or part of the proposed development. The application highlights the need for the community day room to be within Alder Grove to provide a benefit to the existing residents. If the existing building were to be converted then it would not be necessary for the application to pass the Sequential Test. The submission states that the

adaption/conversion of the existing building was considered during the feasibility stage of the project, but this would have provided a maximum number of 2 flats (one ground floor, one first floor), with no additional space for the day room and office. This approach was deemed financially unviable. It is considered that a possible alternative option would be to convert the existing building to form the day room facilities and associated office and seek an alternative site to build the four flats.

- 5.3.8 Following the submission of a revised Flood Risk Assessment and Flood Mitigation Strategy the Environment Agency (EA) have raised no objection in principle to the proposed development but make it clear that it is for the local planning authority (not the EA) to determine whether or not the proposals satisfy the Sequential Test. They have only considered whether or not the proposals satisfy the requirements of the second part of the Exception Test. The EA have advised that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. However, notwithstanding the EA comments, these matters are considered after the Sequential Test and only relate to one criteria of the Exception Test.
- 5.3.9 Although, the positive intentions of the scheme are acknowledged, it is considered that to provide a “more vulnerable” use of 4 residential units within an area at high probability of flood risk is unacceptable. This would be of particular concerns given the proposed user group would potentially be older and/or less ambulant.
- 5.3.10 The site benefits from an existing drainage arrangements but not withstanding that, precise details would be conditioned if the application were to be approved.
- 5.4 **Residential amenity:** NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), Development Management (DM) DPD policies DM2 (Housing Standards), DM29 (Key Design Principles), and DM57 (Health and Well-Being).
- 5.4.1 DM2 of the DM DPD relates to Housing Standards. Proposals for residential development will be supported where the new dwelling meets the Nationally Described Space Standard (NDSS) or any future successor.
- 5.4.2 Each of the four flats will provide one bedroom, an open plan kitchen/dining/sitting room, and accessible shower room in addition to storage. All the proposed units will meet NDSS and accessibility standards as well as providing acceptable light and outlook. The first floor units have oversized access stairs to in order to accommodate a stair lift should a resident require one.
- 5.4.3 With regard to neighbouring residential amenity, there is an existing 2 metre high timber fence to the rear gardens of properties along Laburnum Grove to the north. The existing two storey building contains windows within the northern elevation and is located 15 metres away from the rear elevations of 31 and 33 Laburnum Grove. The northern part of the proposed development which contains the office and day room has been designed as single storey and there are no windows within the northern elevation. This will significantly reduce the massing of the proposed building and limit the visual impact on the nearby properties to the north as well as removing overlooking issues. The main part of the two storey element will be in excess of 12 metres without windows.
- 5.4.4 Overall, it is considered that the development would provide an acceptable standard of residential amenity for future occupants and would not impact unduly on the amenity of nearby residential dwellings.
- 5.5 **Design and appearance:** NPPF paragraphs: 126-134 (Achieving Well-Designed Places), Development Management (DM) DPD policies: DM29 (Key Design Principles) and DM30 Sustainable Design
- 5.5.1 In conjunction with the NPPF, policy DM29 seeks to secure developments that contribute positively towards the identity and character of the areas in which they are proposed. Good design should respond to local distinctiveness. The revised NPPF also places an increased focus on good design through advocating ‘beautiful’ buildings and places to reside. Policy DM30 acknowledges that sustainable design has an important role to play in improving the overall sustainability performance of new development, offering opportunities to deliver improved efficiency and reduced environmental impacts. The Council is supportive of proposals that deliver high standards of sustainable design and construction.

- 5.5.2 The development will comprise two stories with a single storey pitched roof element to the northern elevation which will comprise the day room at ground floor and the office within the roof space. A key component of the proposals is that the new building be constructed using a super insulated, modular system called “Etopia”. The submission sets out that this panelised system will achieve a high thermal performance for the external fabric of the new building. The development would largely occupy the same footprint as existing and the design will incorporate a combination of pitched and mono-pitched roofs which will include solar photovoltaic panels. This will create a significant offset for the electrical usage of the new flats and ultimately reduce the fuel bills of the residents. This would be a key benefit of the scheme. Although the design will not be wholly reflective of surrounding properties, it is considered that subject to conditions to control precise materials and finishes, the development could sit comfortably in this setting.
- 5.6 **Access and highway impacts:** NPPF sections 9 and 12, Development Management (DM) DPD Policies: DM29: (Key design principles), DM60: (Enhancing Accessibility and Transport Linkages); DM61: (Walking and Cycling); DM62: (Vehicle Parking Provision).
- 5.6.1 From a National Planning Policy perspective, paragraph 110 of the 2021 NPPF advises that where appropriate, schemes should secure safe and suitable access to the public highway for all applicable users. The NPPF further advises that sustainable transport modes should, where possible and relevant, be taken up and encouraged although this will of course depend on the type of development and its location. This requirement is reflected in policy DM29 (Key Design Principles) which requires proposals to deliver suitable and safe access to the existing highway network whilst also promoting sustainable, non-car dominated travel.
- 5.6.2 The scheme will result in the loss of one vehicle parking space. Whilst it could be expected that any potential resident may not have access to a car, this expectation cannot necessarily be extended to any managerial function for either the office or the community day room. However, the site is in a sustainable location with good access to public transport and it is considered that there is sufficient on street parking available within Alder Grove. The scheme proposes the installation of a new 7kW Electric Vehicle charging point, which can be used by residents, visitors and Lancaster City Council Vehicles. The precise location of this could be conditioned in the event of an approval.
- 5.6.3 It is noted that bin storage facilities are indicated on the submitted plans. However, these indicate that doors would open on to the pavement which would not be an acceptable arrangement. Notwithstanding this in the event of an approval the precise details and location of bin store could be conditioned.
- 5.7 **Ecology and trees** NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment, Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland)
- 5.7.1 The Lune Estuary is located approximately 1.4 km to the west and is designated as a Site of Special Scientific Interest. It is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.
- 5.7.2 The site is separated from the designated area by intervening existing residential development and roads. As such, it is considered that there would be no direct impacts on the aforementioned designations. However, there is the potential for increased recreational pressure post development, although this is unlikely to be significant given the scale of the development. It is considered that this relatively small impact could be adequately mitigated through a requirement to produce and distribute a homeowner pack to future occupants, which could be controlled by a condition. As mitigation would be required, the Local Planning Authority is required to undertake an Appropriate Assessment, and this is contained in a separate document. This concludes that, with mitigation, it is considered that proposed development will have no adverse effects on the integrity of the designated site, its designation features or its conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. At the time of writing this report comments are awaited from Natural England to confirm that the suggested mitigation in the form of homeowner packs is acceptable.

- 5.7.3 The application has been accompanied by a Bat Survey which found no evidence of bats roosting within the building, although there is a possibility of opportunistic use by low numbers of bats at some times of the year. The level of use is not considered likely to be significant and with precautionary mitigation, a significant disturbance and/or the loss of roost sites is unlikely to occur. In the event of the application being permitted it is considered reasonable to include a condition for the provision of bat and bird boxes within the site in order to achieve a biodiversity net gain in accordance with policy DM44.
- 5.7.4 An Arboricultural Impact Assessment has been included with the application and this sets out that the proposed development will not impact upon the retention of any significant or notable trees or groups of trees if suitable working methods are used. A small apple tree within the existing rear yard area would be lost to facilitate the development. It is considered that there would be some limited scope to provide landscaping to the site and this could be conditioned.

6.0 Conclusion and Planning Balance

- 6.1 The scheme offers significant benefits through the provision of four accessible 1-bed units in addition to a community day room. It is considered that the site is of a sufficient size to accommodate the proposal without having a significant adverse impact on the character and appearance of the area, highway safety, residential amenity, ecology and trees.
- 6.2 However, the site is located within flood zone 3, which is defined as having a high probability of flooding in the National Planning Practice Guidance. Due to this conflict with flood risk, the overall tilted balance is disengaged. It is considered unlikely that there are no other suitable sites within the District that are in areas that are at a lower risk of flooding. The lack of a five year housing land supply and need for affordable housing do not obviate the requirement for this development to pass the Sequential Test at this moment in time. Regrettably the proposal, therefore, represents an unacceptable form of development having regard to its flood zone location and the provisions of the National Planning Policy Framework.

Recommendation

That Planning Permission BE REFUSED for the following reason:

1. The proposal would result in the provision of four residential units for vulnerable people within flood zones 2 and 3. In the opinion of the Local Planning Authority, the submission does not satisfy the requirements of the Sequential Test. As such, the proposal represents an unacceptable form of development, classified as more vulnerable to flood risk within an area defined as having a high probability of flooding. The proposal therefore conflicts with the requirements and policy DM33 of the Review of the Development Management DPD and Section 14 of the National Planning Policy Framework.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Although the applicant has failed to take advantage of this service, they have previously been made aware of the issues of concern regarding the proposal which the submission does not satisfactorily address. Consequently, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None