

Agenda Item	A5
Application Number	17/01074/HYB
Proposal	Hybrid application comprising an outline application for up to 71 dwellings with associated upgrading works to Pathfinders Drive, and a full application for the conversion of Derby Home into six apartments (C3) and creation of associated parking
Application site	Land at Royal Albert Farm, Pathfinders Drive, Lancaster, Lancashire
Applicant	Homes and Communities Agency
Agent	Miss Rosanna Cohen
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) **Procedural Matters**

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

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

The application was presented to the Planning Regulatory Committee in December 2017. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration.

1.0 Application Site and Setting

1.1 The application site relates to 3.38 hectares of predominately grazing land located to the west side of Ashton Road along Pathfinders Drive, approximately 1.6km to the south west of Lancaster City Centre. There are a variety of land uses in close proximity to the site. To the east lies an NHS complex consisting of the Orchard and four former barns which have been converted to offices, with the residential development to the north of this in the form of apartments. To the south of the NHS facilities lies the De Vitre and Royal Albert Cottages which are adjacent to Ashton Road. To the south and west lays open countryside. The site rises to the west from along Ashton Road where land levels are in the region of 39 metres above ordnance datum (AOD) and rise to 55 metres AOD towards the western boundary. The site has a gradual gradient with this being in the region of 1:8.

- 1.2 The site consists of two large fields namely used for grazing land for horses and sheep which are irregularly shaped, together with a smaller field to the south-east corner. The site is bound by trees to the north and north west. The development site also incorporates Derby Home which is curtilage listed in connection with the former Royal Albert Hospital (Grade II*), which is the only built form within the application site. The site is elevated from Ashton Road with the lowest part of the site to the east. The existing access to the site is via Pathfinders Drive, which serves the NHS facilities in the form of 'the Orchard' and North and East Barns.
- 1.3 The site is largely unconstrained and is allocated for housing in the adopted and soon to be adopted Local Plan. The Morecambe Bay Site of Special Scientific interest (SSSI), Special Protected Area (SPA), Special Area of Conservation (SAC) and Ramsar designation is located 1.25km to the west of the site. It is not located within any nationally designated landscape or Green Belt, nor does it fall within Flood Zones 2 or 3. The site is not protected by any international or local conservation status and no part of the site falls within a Conservation Area. There are trees which are covered by Tree Preservation Orders (TPO) on the site (TPO number 269/T17 through to T80, W1, W2 G1 through to G8). There are a number of listed buildings in close proximity to the site namely Storey Hall – located 90 metres to the north east (Grade II), North, West, South and East Barn – located 90 metres to the east (Grade II), the gatehouse to the former Royal Albert Hospital site - located 150 metres to the east (Grade II) and finally the former Royal Albert Hospital which is Grade II* and this is located 275 metres to the east.

2.0 Proposal

- 2.1 The application is made in a hybrid form which comprises of the outline application for the erection of up to 71 dwellings on the greenfield element of the site; with amended access provision which includes the upgrading of the existing Pathfinders Drive to 5.5 metres in width, together with a new 2m wide footway. An indicative layout plan has been supplied to show how the site could be realistically developed and contains a mixture of detached and semi-detached properties.
- 2.2 Derby Home is considered to be curtilage-listed in connection with the Jamea Al Kauthar Islamic College (formerly the Royal Albert Hospital) which is Grade II*. The detailed conversion is therefore being considered under this planning application for the conversion of Derby Home to 6 apartments and associated car parking provision. The scheme would provide for 3 x one bedroom, 2 x two bedroom and 1 x three bedroom apartment.

3.0 Site History

- 3.1 The proposal was presented to, and resolved to be approved in December 2017 by, the Planning Regulatory Committee (the full report is appended). Under the scheme of public participation, County Councillor Gina Dowding and Councillor Tim Hamilton-Cox both spoke against the application. Justin Cove, agent for the application spoke in support and Ward Councillor Ronnie Kershaw spoke finally against the application.

It was proposed by Councillor Helen Helme and seconded by Councillor Mel Guilding:

“That the application be approved.”

Upon being put to the vote, 10 Members voted in favour of the application and 1 against, with 3 abstentions, whereupon the Chairman declared the proposal to be carried.

That subject to the applicant entering into a Section 106 Legal Agreement to secure the obligations noted in Section 8.1 of the report (including the bus service contribution), Outline Planning Permission be granted subject to the following conditions:

1. Timescales.
2. Approved Plans.
3. Access Details.
4. Off-site Highway Improvements.
5. Surface Water Arrangements.
6. Surface Water long term management.

7. Foul Water Arrangements.
8. Development in accordance with the FRA.
9. Unforeseen contaminated land assessment.
10. Provision of electric vehicle charging points.
11. Garage use permitted development right restriction.
12. Open space provision.
13. Removal of PD rights (Parts 1 - Classes A, B, E and F and Part 2).
14. Ecological Mitigation.
15. Provision of AIA.
16. Finished floor and site levels to include garden and open space.

That regarding the full element of this hybrid application, Planning Permission for the conversion of Derby Home be granted subject to the following conditions:

1. Timescales.
2. Development in accordance with plans.
3. Provision of additional bat surveys in connection with Derby Home.
4. Surface Water Drainage Scheme.
5. Hard and Soft landscaping.
6. Provision of an updated AIA.
7. Car parking to be provided prior to occupation.

4.0 Consultation Responses

- 4.1 As set out in the appended report. There was however, a committee update which catered for the below.

Consultee	Response
County Highways	County Highways suggested £77,000 for improvements to the Pointer roundabout and this was secured by the Planning and Regulatory Committee. County Highways with the support of Planning Committee also secured £70,000 towards the local bus service which would enable it to provide a Sunday service for a period of 3 years.

5.0 Analysis

- 5.0.1 The key technical matters have been addressed within the Committee report of December 2017 (appended). However, given the Inspector's Report the main issue is:

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

- 5.1 The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP2, SP3, SP6, SP7, SP8, H6, EN9 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3 and DM31 of the Review of Development Management DPD (Adoption Edition July 2020)

- 5.1.1 Whilst a new suite of planning policies has evolved as part of the Strategic Policies and Land Allocations DPD (SPLA Adoption Edition July 2020), the site retains its allocation for housing as part of the Royal Albert Fields, Ashton Road allocation under Policy H6. Policy SP2 is clear that subject to technical matters being addressed, sustainable housing schemes in sustainable areas will be supported. This follows the same ethos as the Lancaster District Core Strategy Policies. Whilst new policies have been included within the SPLA, notably the development strategy, and how new homes will be delivered, overall it is considered that the proposal complies with the over-arching development strategy policies in the SPLA 2020.

- 5.1.2 The Development Management DPD has been revised as part of the plan making process. Of particular note to this planning application are Policies DM1 (new residential development and housing needs), DM2 (housing standards) and DM3 (affordable housing provision).
- 5.1.3 Policy DM1 follows a similar train of thought to the existing adopted policies, whereby schemes that meet an identified housing need, ensure land is used effectively, and the environment (both natural and manmade) can accommodate growth, will be looked upon favourably. Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. The approved internal arrangement within Derby Home fails to meet the required standards. However, given this is a 2017 permission and a Grade II* curtilage-listed on balance it is considered on this occasion it is acceptable taking into account when the scheme was presented to Planning Committee. It is recommended a condition to ensure all dwellings on the main body of the site are NDSS compliant and furthermore at least 20% of those should meet Building Regulations Requirement M4(2) Category.
- 5.1.4 Policy DM3 relates to the delivery of affordable dwellings within the district. Councillors may recall historically the figure officers sought to secure was 40% affordable provision. Viability has been considered in the context of the plan, in ensuring that developments that come forward are deliverable. The approved scheme secured 40% affordable housing, however under Policy DM3 within Lancaster, Carnforth and Rural West, this has been reduced to 30%. The Section 106 therefore needs to be modified to account for this lower figure.
- 5.1.5 With Committee's support the development secured £70,000 towards the local bus service together with electric vehicle charging points. It is considered these measures tie in with the wider air quality aspirations of the 'Local Plan'. Whilst there has been variations to other policies within the Local Plan, given the location of the site, and those planning conditions previously recommended, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition.

6.0 Conclusion and Planning Balance

- 6.1 The scheme was presented to the Planning Regulatory Committee in December 2017. The weight of the policies under the emerging plan has now changed to substantial, and the potential adoption of these by Full Council on 29 July 2020 would alter it again to full weight. There is now a lower quantum of affordable housing required at 30%, as opposed to 40%. The Plan as a whole has been viability tested, and whilst it is regrettable the figure is lower, the examined evidence base suggests 30%. This is to ensure a deliverable scheme that can provide for the likes of education, open space and a housing mix that is required. The major other change relates to the provision of internal space standards across the development and ensuring the provision of 20% of the units are M4(2) compliant. Conditions can be imposed on the outline element to cater for this. Whilst expressed in the report Derby Home is under the required standards, on balance given this is a listed building and the time that has passed since the application was submitted it is considered acceptable. With the above in mind, the development as a whole is considered sustainable, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

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

- The provision of 30% of the total units on the site to be affordable homes based on a 50:50 (affordable rented:shared ownership) tenure split as required by planning policy based on housing needs at the time of the reserved matters application, viability and the use of Vacant Building Credit;
- The setting up of a Private Management Company to ensure the public open space, amenity space, non-adopted surface water drainage systems and private roads within the site are maintained at all times in perpetuity with associated long term maintenance plans in respect of these matters;

- Reviewing the requirement for an off-site financial contribution in connection with public open space dependent on the numbers of units and bedrooms to be re-assessed at the time of reserved matters;
- The contribution of £77,000 towards off-site highway improvement works and £70,000 towards bus service provision);
- Derby Home to be converted in accordance with the permission (no later than 75% of the open market homes associated with the outline permission being occupied).

and the following conditions:

Condition no.	Description	Type
1	Timescales	Control
2	Approved Plans	Control
3	Access Details	Pre commencement
4	Surface Water drainage scheme	Pre commencement
5	Foul Water Drainage Scheme	Pre commencement
6	Finished Floor Levels	Pre commencement
7	Provision of AIA	Pre commencement
8	Employment and Skills Plan	Pre commencement
9	Provision of Nationally described space standards across all units	Development above ground
10	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Development above ground
11	Off-site Highway Works	Development above ground
12	Provision of Home Owner Packs	Development above ground
13	Provision of open space on site	Development above ground
14	Electric Vehicle Charging	Development above ground
15	Unforeseen contaminated land	Compliance
16	Removal of PD rights (Parts 1 - Classes A, B, E and F and Part 2)	Compliance
17	Ecological Mitigation	Compliance
18	Garage use permitted development right restriction	Compliance
19	Development in accordance with the FRA	Compliance

That regarding the full element of this hybrid application, Planning Permission for the conversion of Derby Home **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Timescales	Control
2	Development in accordance with the plans	Control
3	Provision of additional bat surveys in connection with Derby Home	Pre commencement
4	Surface water drainage scheme	Pre commencement
5	Provision of an updated AIA	Pre commencement
6	Hard and Soft Landscaping	Development above ground
7	Car Parking to be provided prior to occupation	Development above ground

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

17/01074/HYB – December 2017