

Agenda Item	A7
Application Number	18/00472/FUL
Proposal	Erection of 27 dwellings (C3) with associated access
Application site	Land off Wyresdale Road, Lancaster, Lancashire
Applicant	Mr John Matthews
Agent	
Case Officer	Mr Mark Potts
Departure	Yes
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 June 2019. 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 site lies on the eastern fringes of Lancaster located off Wyresdale Road, circa 2km to the east of Lancaster City Centre. The site totals 2.04 hectares but the net developable area is 1.06 hectares with the remainder of the site afforded to landscaping and open space. To the north of the site lies a row of mature trees and Wyresdale Road beyond this. To the west lies a private access track that once would have served Lancaster Leisure Park when it was a rare breeds farm. Beyond this is Well House Farm, and Well House. To the east some small scale business units are located with open fields to the south. The boundary treatment to the north consists of a post and wire fence followed by tree planting, to the east and west lies stockproof fencing with some landscaping, but to the south of the site the boundary is open.

- 1.2 The site is within Flood Zone 1 and therefore at the lowest risk of flooding although a small area of the site frontage is known to suffer from surface water flooding. Part of the western boundary of the site is allocated as mineral safeguarded land and all the trees that bound the site are protected by a Tree Preservation Order (no.654 (2018)). The Grade I Listed Ashton Memorial is located 650 metres to the west of the proposal, with the wider park forming part of a Registered Park and Garden, which is located 400 metres from the site. The Walton Le Dale/Slyne Distribution Pipeline runs to the east of the site though no development is proposed within any of its consultation zones. The site was previously in the Key Urban Landscape policy designation. Now the site is allocated for residential development under Policy H5 of the Strategic Policies and Land Allocations document.

2.0 Proposal

- 2.1 The application proposes the erection of 27 two-storey dwellings and the provision of a new vehicular access off Wyresdale Road on the eastern fringes of Lancaster. The scheme also provides for re-grading of land to facilitate development, provision of open space across the site, landscaping and also drainage infrastructure.

The scheme initially proposed the erection of 27 residential units utilising a mix of the below (with the provision of no affordable housing);

- 5 x two bedroom houses;
- 2 x three bedroom houses; and
- 20 x four bedroom houses.

However, officers had concerns regarding the over reliance on four bedroom properties and the scheme was amended to incorporate more smaller units:

- 4 x two bedroom houses;
- 6 x three bedroom houses; and
- 17 x four bedroom houses.

3.0 Site History

- 3.1 The proposal was presented to, and resolved to be approved in June 2019 by, the Planning Regulatory Committee (the full report is appended).

It was proposed by Councillor Robert Redfern and seconded by Councillor Mike Greenall:

“That the application be approved.”

Upon being put to the vote, 11 Councillors voted in favour of the proposition and 1 against, with 2 abstentions, whereupon the Chair declared the proposal to be carried.

That, subject to the applicant entering into a Section 106 Legal Agreement to secure the contributions as set out in Section 8.1, that Planning Permission be granted subject to the following conditions:

1. 2 year timescales;
2. Development in accordance with approved plans;
3. Access details;
4. Detail for off-site highways works and subsequent implementation;
5. Detail for surface water drainage;
6. Detail for foul drainage;
7. Surface water management and maintenance;
8. Finished floor level details;
9. Noise mitigation in accordance with submitted noise report;
10. Building Materials to be agreed on external facing elevations;
11. Hard and soft landscaping;
12. Boundary treatment detail;
13. Updated AIA to be submitted;
14. Protection of visibility splays;

15. Car parking to be provided for;
16. Garage use control;
17. Provision of cycle storage and electric vehicle charging points;
18. Implementation of the mitigation and enhancement measures outlined in the ecological appraisal.
19. Employment skills plan.

4.0 Consultation Responses

4.1 As set out in the appended report.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee report of June 2019 (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 SP1, SP2, SP3, SP6, SP8, SP10, H5, EN9 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM31 and DM55 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 is still within the urban core of the district, where new sustainable housing growth will be encouraged. 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. Furthermore, the scheme presented to Committee, was deemed a departure in 2019 owing to its location within the Key Urban Landscape. The site now forms part of a wider allocation for up to 242 new homes under Policy H5. It is therefore considered that there is stronger policy support than in 2019.

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. There are two proposed house types that do not fulfil the required minimum standards, and none would be M4 (2) complaint. This is a disappointment, however the application was submitted in 2018 and determined in June 2019. Viability was tested on the scheme, and any change is likely to impact on this, and therefore officers still recommend approval though would expect future applications to comply fully with DM2. This is the exception rather than the rule.

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 position in Lancaster is that 30% will be sought, though as can be seen from the appended report in 2019 all that could be achieved was 22%.

5.1.5 Whilst there have 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. Air quality matters are captured by a condition relating to the payment of monies towards the local bus service and electric vehicle charging points, and therefore this is still considered reasonable and appropriate.

6.0 Conclusion and Planning Balance

6.1 The scheme was presented to the Planning Regulatory Committee in June 2019. 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%, though the scheme was only capable of providing for 22% affordable provision. The major other change relates to the provision of Nationally Described Space Standards across the development and ensuring the provision of 20% of the units are M4(2) compliant. There are two house types which do not meet the standards, and none are accessible or adaptable. Given the application was submitted in 2018 and resolved to be approved in 2019, Officers do not feel it would be reasonable to ask for the amendments. This would very likely impact on the provision of the affordable housing offering. 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 Planning Permission **BE GRANTED** subject to signing of the Section 106 Agreement to secure the following obligations;

- Provision of six affordable housing units (four x 2 bedroom - affordable rent and two x 3 bedroom units shared ownership);
- Contribution of £30,000 towards the running of the local bus service (Number 18 - Lancaster - Lancaster via Williamson Park, Leisure Park, Lancaster Farms);
- Securing the provision of £71,212 towards secondary education spaces for three secondary school places at Central Lancaster High School;
- Long term maintenance of non-adopted open space, landscaping and non-adopted highways and drainage.

and the following conditions

Condition no.	Description	Type
1	2 year timescale	Control
2	Development in accordance with approved plans	Control
3	Access Details	Pre commencement
4	Surface Water Drainage	Pre commencement
5	Foul Water drainage	Pre commencement
6	Employment and Skills Plan	Pre commencement
7	Finished Floor Level detail	Pre commencement
8	Ecological Mitigation	Pre commencement
9	Detail for off-site highways works and subsequent implementation;	Development above ground
10	Building Materials to be agreed on external facing elevations	Development above ground
11	Boundary treatments	Development above ground
12	Hard and Soft Landscaping	Development above ground
13	Provision of cycle and electric vehicle charging	Development above ground
14	Surface Water Management	Development above ground
15	Noise mitigation in accordance with the report	Compliance
16	Development in accordance with the AIA	Compliance
17	Protection of visibility splays	Compliance

18	Garage use condition	Compliance
19	Car Parking to be provided prior to occupation	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

18/00472/FUL – Wyresdale Road