

Agenda Item A7	Committee Date 11 December 2017	Application Number 17/01074/HYB
Application Site Land At Royal Albert Farm Pathfinders Drive Lancaster Lancashire	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	
Name of Applicant Homes and Communities Agency	Name of Agent Miss Rosanna Cohen	
Decision Target Date 11 December 2017	Reason For Delay Committee Cycle	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Note

A site visit was arranged for Committee Members to view this site prior to determination, and this was undertaken on 6 November 2017.

1.0 The Site and its Surroundings

- 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 local plan, with Key Urban Landscape abutting the site's western boundary. 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 The 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 There is no relevant planning history associated with the “greenfield” element of the scheme however the area to the east has been developed over time to serve as NHS offices and a Mental Health facility (‘The Orchards’) and therefore the following history is relevant to the proposal.

Application Number	Proposal	Decision
17/01076/LB	Listed Building application for the conversion of Derby Home into six apartments (C3)	Pending Decision
15/00600/OUT	Outline application for the demolition of existing Derby Home and erection of up to 77 dwellings with associated new access	Withdrawn
15/00970/LB	Listed Building application for the demolition of the existing side extension at Derby Home.	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>Originally had concerns that the Transport Statement did not account for the committed development of the proposed Royal Lancaster Infirmary car park (17/00345/FUL) in terms of movements on the local highway network. The applicant subsequently submitted a revised Transport Assessment which included the trip rates associated with the approved hospital car park planning application. County Highways responded to the amended consultation on 17 November setting out they no longer objected to the development and that the congestion already exists at the junction at peak times and is showing levels of usage exceeding the theoretical saturation values. However when taken in the wider context, the development will not increase the demand to a level which could be construed as "severe" as defined in the NPPF.</p> <p>They consider that the on-street parking in connection with the properties along Ashton Road does cause some concern and that the developer should consider providing necessary land to accommodate a compensatory car park to allow the road to operate freely in each direction.</p>

	Planning conditions are recommended; associated with the contribution of £77,000 towards the design and implementation of a highway improvement scheme; white lining along Ashton Road together with the review of existing street lighting.
Lead Local Flood Authority	No Objection on the basis that the development is carried out in accordance with the submitted Flood Risk Assessment, surface water drainage scheme to be agreed, SuDS management and maintenance plan.
Planning & Housing Policy Team	No observations received within the statutory timescales.
County Education Authority	No Objection and no request towards a financial contribution towards primary or secondary school provision
Strategic Housing Officer	No observations received within the statutory timescales.
Public Realm Officer	No Objection - recommends 1292m ² of amenity space on site, together with a maximum contribution of £207,435 which would go towards the below. <ul style="list-style-type: none"> • Outdoor sports facilities £78,362 • Young people's facilities £36,920 • Parks and gardens £22,152 • Equipped Play Areas £70,000
Lancaster Civic Society	Support the retention of Derby Home and the proposals for the renovation of this listed building and its conversion into six apartments. Although they are supportive of the outline proposals for the development of 71 dwellings on this site they urge careful consideration is given to conditions placed on future developers; particularly with reference to the requirements for affordable housing.
Historic England	No observations to make on the planning application
Natural England	No objection to the development
Environment Agency	No observations to make on the planning application
Canal & River Trust	No comment to make on the planning application.
Tree Protection Officer	Objection and recommends that there would need to be changes made in connection with the layout to enable
United Utilities	No objection , recommends that the development is carried out in accordance with the submitted Flood Risk Assessment and that the site is drained by Sustainable drainage techniques. Make note that a public sewer crosses the site.
Lancashire Archaeological Advisory Service	No Objection , however recommends that Derby Home is recorded to Level 3, as set out in 'Understanding Historic Buildings (Historic England 2016).
Environmental Health	No observations received within the statutory timescales
Conservation Officer	No objection to the outline element of the scheme. The setting of the Royal Albert Farm has been eroded through development of modern healthcare buildings immediately behind, thus it is considered the proposal will have a minimal impact on the setting and significance of the former farm. With respect to the conversion of Derby Home they consider there would be a degree of harm caused by the subdivision however this would be less than substantial. The Conservation Officer recommends that the flat roof dormer is removed.
Greater Manchester Ecological Unit	No objection , however the planned works to Derby Home do have the potential to cause harm to bats and that mitigation will be required.
Dynamo	Objects – not likely to encourage sustainable transport; increase road hazards for existing cyclists; development offers nothing for cycling provision; and a concern about the Transport Assessment.
CLOUD (Citizens of Lancaster opposed to un-necessary development)	Objection - How can the development constitute sustainable development given reliance on cars; concerns on school provision; How does the development tie in with the garden village aspirations; Refers to application 15/01342/OUT for land off Ashton Road which was refused by members in April 2016.
Fire Safety Officer	No objection
Lancashire Police	No objection , recommends that secured by design is incorporated into any reserved matters application.

5.0 Neighbour Representations

5.1 The application has generated **36** letters of objection at the time of compiling this report, citing the following reasons for opposition:

- **Highways:** Insufficient capacity on the local highway network; congestion at the Boot and Shoe, and the Pointer Roundabout junction is already under pressure; No bus service provision to local shops; Improvements should be made to the local road network before development is applied for; Inadequacies within the Transport Assessment such as bus provision is 90 minutes and not 60 minutes as stated;
- **Landscape** The development would have an adverse impact on the landscape and cultural heritage value of Lancaster; given it's a sloping site the impact will be more pronounced;
- **Education Provision;** Lack of school places especially primary school places;
- **Surface Water drainage concerns** Likely to lead to flooding and surface water drainage issues;
- **Heritage concerns** – given the change from open pastureland to modern housing estate on the fabric of the local area;
- **Sustainability arguments** – Difficult to cycle and walk. The site was originally assessed as suitable for housing 17 years ago, is this still relevant? Development will affect the amenity of the Royal Albert/De Vitre Cottages, and the NHS mental health units; Brownfield land should be used before greenfield; lack of facilities locally.

5.2 **One** letter has been received which neither objects or supports the scheme however raises concerns that future development in close proximity to offsite dwellings on Cunningham, Albert and Victoria Courts have to be considered.

5.3 Councillor Abi Mills **objects** to the development raising the following issues;

- Conflicting advice in the planning statement and transport statement regarding the frequency of bus services;
- Increase in car journeys and associated queuing on the road;
- Lack of primary school places;
- The site has a low accessibility;
- Visual Impact Issues.

5.4 Councillor Gina Dowding **objects** to the development raising the following issues;

- Lack of local amenities (such as lack of shops, doctors surgeries and the near non-selective secondary school is 3.8km away);
- Sustainable Transport/Highway Issues – Serious congestion already occurs on the A588 and the A6 suffers from serious congestion, and the bus service is too infrequent coupled with a lack of cycle links connecting the proposed site to the wider cycle network;
- Visual Impact – The development will affect the local amenity of the area, and will be visible from Lancaster Canal, the new houses will affect the privacy of the existing home dwellers in the cottages on Ashton Road.

6.0 Principal National and Development Plan Policies

6.1 The National Planning Policy Framework (NPPF) indicates that the purpose of the planning system is to contribute to the achievement of sustainable development and at its heart is a presumption in favour of sustainable development (paragraph 14). The following paragraphs of the NPPF are especially relevant to the determination of this proposal:

Paragraph 12 – Development Plan as starting point for decision making

Paragraph 17 – 12 Core land-use planning principles

Paragraphs 19 and 22 – Building a strong, competitive economy

Paragraph 32 – Traffic and highway considerations

Paragraphs 49, 50 and 55 – Delivering housing and creating sustainable communities

Paragraph 72-74 – Open Space and well-being of communities

Paragraph 103 – Flood Risk

Paragraphs 109, 111, 115, 118 – Conserving the natural environment
Paragraph 118 - Biodiversity
Paragraph 124 – Air Quality
Paragraphs 128-141 – Conserving and enhancing the historic environment
Paragraph 144 – Mineral Safeguarding
Paragraphs 187-190 – Decision-taking and pre-application engagement
Paragraphs 204-205 – Planning Obligations
Paragraphs 215-216 - Policy weighting of existing and emerging development plan planning policy.

6.2 Lancaster District Core Strategy

SC1 – Sustainable Development
SC4 – Meeting the District’s Housing Need

6.3 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Car parking provision
DM23 – Transport Efficiency and Travel Plans
DM25 – Green Infrastructure
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development Affecting Listing Buildings
DM32 – Setting of Heritage Assets
DM34 – Archaeological Features & Scheduled Monuments
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality Management & Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Drainage
DM41 – New Residential Development

6.4 Saved Lancaster District Local Plan

H4 – Housing Allocations - Lancaster
H5 – Housing Areas – Rural Allocations
E28 – Woodland Opportunity Areas

6.5 Joint Lancashire Minerals and Waste Local Plan

Policy M2 – Mineral Safeguarding

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Guidance Note on Policy M2 – Safeguarding Minerals December 2014
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points – New Developments (September 2017).

7.0 Comment and Analysis

7.0.1 The main issues to be considered in the determination of this application are:

- Principle of the development;
- Highway Considerations;
- Heritage Considerations;
- Housing Supply & Need;

- Landscape and Visual Impact;
- Layout;
- Water Management;
- Natural Environment;
- Education provision;
- Open Space;
- Other Matters.

7.1 Principle of Development

7.1.1 The Development Plan policies referred to in Section 6 require new development to be as sustainable as possible, minimising the need to travel and making it convenient to walk, cycle and travel by public transport between the site and homes, workplaces and a host of facilities and services. The site forms part of the Royal Albert Housing allocation under Policy H4 of the 2004 adopted Local Plan, which allocated the site (excluding Derby Home and Pathfinders Drive) as suitable for housing. The site also forms part of the Council's Strategic Housing Land Availability Assessment (SHLAA) under reference 304, and is included within the Council's anticipated future housing land supply. The SHLAA states that the site has capacity for up to 77 dwellings, however it states issues of highway capacity, access, topography and the potential prominence of the site would need to be addressed. Under the emerging policy the site continues to be allocated for development under Policy H6 of the Strategic Policies and Land Allocations DPD (which also includes Derby Home and Pathfinders Drive), whilst limited weight can be attached it is clear that there is still an aspiration that the site will be developed and the majority of the site is allocated for housing already in the Local Plan. The site does benefit from also being a Woodland Opportunity Area under Policy E28 of the saved local plan where areas of woodland are to be incorporated into design proposals.

7.1.2 Despite the site being greenfield, it is land that has been identified within the SHLAA and considered a deliverable site that can contribute to the district's housing supply. It has rising topography to the west, and the site is bound by residential, health and office uses to the east. The nearest property to the site is the Orchards which is a NHS Mental Health facility. A very similar planning application was submitted in 2015, however was withdrawn by the applicant to allow further discussions to occur with the NHS. The applicant recognises the Orchards must be considered in the production of the site layout and the applicant has prepared an indicative landscaping scheme to show the screening which may be deliverable at the Orchards. No observations have been received by the NHS in relation to this planning application and the applicant is indicatively showing a 30 metre buffer zone between the facility and the residential properties. The existing properties on Ashton Road are in the region of 50 metres from the facility (albeit as the crow flies) but the NHS and the applicant are known to have been in discussions, and in the absence of anything to the contrary from the NHS it is considered that the two land uses can co-exist. Notwithstanding other considerations, such as landscape impact and highways, the site is well-related to the existing built form and therefore the principle of development in this location can be accepted.

7.2 Highway Considerations

7.2.1 The application is supported by a detailed transport assessment and this was supplemented by further Arcady modelling at the Pointer Roundabout in October 2017. Vehicular access to the site is proposed via an extension and widening of Pathfinders Drive to allow for a 5.5m wide carriageway and a footway. The applicant's traffic forecasts suggests that at the roundabout at Ashton Road/Pathfinders Drive/Cherry Tree Drive this would operate satisfactorily with the addition of the development traffic. It is accepted within the applicant's transport statement that the Pointer Roundabout is over-capacity. The addition of an extra 30 and 20 vehicle movements associated with the development during the weekday AM and PM peak hour respectively, is less than 1% of the forecast future traffic levels without the development and in practice any increase is likely to have a negligible impact on network performance, albeit accepting the roundabout is at capacity.

7.2.2 The applicant recommends that the Boot and Shoe junction (Hala) is forecast to operate within capacity with the development traffic. A section of Ashton Road, which is to the south of Pathfinders Drive, accommodates existing on-street parking associated with the properties that front Ashton Road. This constricts the operation of Ashton Road to one-way in either direction. It is

recommended that the assessment of the potential increase in vehicle delay through this section with additional development traffic identified there would be no perceptible increase in delay as a result of the increase. At the mini-roundabout off Caspian Way/Ashford Road there would be no perceptible change in traffic flows, and that variations as a result of the development would lie within the range associated with the daily fluctuations in traffic.

- 7.2.3 The County initially had concerns with the Transport Statement given it lacked an up to date analysis of the Pointer Roundabout junction. An element of congestion already exists at peak times and the junction is showing levels of usage exceeding the theoretical saturation values. Notwithstanding this, when taken in the wider context, the development will not increase the demand to a level which could be construed as 'severe' as defined in the NPPF. The Pointer Roundabout has been recently identified for a possible highways scheme which would see an improvement in vehicle throughput and improved safety. The County recommend that as part of this planning application the developer should make a financial contribution of £77,000 to be used in the design and implementation of a highway improvement scheme (which may include improved pedestrian/cycle improvements). Discussions are ongoing with County Officers as to what these improvement works may involve and the applicant has also raised a similar question. Fundamentally whilst Policy H4 supports development on this site, the policy provides that improvement measures along Ashton Road may be required to facilitate development.
- 7.2.4 The County have recommended that there would be benefit in relocating the car parking associated with the properties on Ashton Road to within the application site to allow for a two-way flow of traffic given at present it operates as a one-way system. The applicant's red edge plan shows the potential for two strips of land to be potentially used as compensatory car parking (albeit this is not marked as such). The applicant was initially resistant to the suggestion as the issue had been raised during the applicants pre-application discussions with the local residents, who themselves were resistant to the idea. A feasibility study is currently underway for a bus rapid transit route from South Lancaster to Lancaster City Centre, which may involve buses utilising Ashton Road, and whilst the County Council have not objected to the proposal, nor stated that the compensatory car parking is required to enable 'no objection' to be raised, it is considered that there is significant planning gain in at least securing land which *may* (our emphasis) be used for compensatory car parking, in the event a Traffic Regulation Order was successful associated with vehicle waiting restrictions along Ashton Road. A planning condition could not be imposed that sought to include off-site car parking associated with properties along Ashton Road, as this is not necessary to make the proposals acceptable in planning terms. Notwithstanding this, discussions are ongoing as to whether this could still be a possibility outside of the planning process.
- 7.2.5 County Highway's earlier response indicated that there should be improvements to the bus stops on Ashton Road. The current southbound bus stop is located on third party land and therefore it would only be appropriate to include a condition requiring improvement of the north bound bus stop which is reasonable. Whilst there is a bus service that passes the site, this is on a 90 minute basis and operates from Lancaster to Knott End and is currently operated by Kirkby Lonsdale Coaches on behalf of Stagecoach. The bus service times will be amended from 11 December 2017 but the route is still proposed to run every 90 minutes.
- 7.2.6 The County also discussed potential cycle link improvements at Pathfinders Drive to Haverbreaks Estate via Ashton Road. In order to achieve improvements here there was a historical plan for a route to be taken which would have involved an off-road cycle track essentially going through third party land along the western boundary of Ashton Road. The County conceded that this would not be deliverable and have since removed this request from their latest consultation response. Given the County Council's response it has to be concluded that whilst there would be an impact on the local highway network, it is not considered that supporting this scheme would bring about highway safety or capacity concerns in the locale.
- 7.2.7 Many of those making representations to this planning application have referred to the refused scheme for 125 houses promoted by Story Homes (15/01342/OUT) which was refused in April 2016. The two sites are very different; not least because the current application site is allocated for residential purposes in the adopted plan, and offers a reduced quantum of development. The refused scheme was (partly) 1km further to the south, essentially in a more rural fringe setting. The County had reservations with the applicant's transport statement on the refused scheme, given there was a lack of information in connection to the impact on the Boot and Shoe and Pointer

Roundabout junctions, whereas on this planning application they have raised no objection (as they did on the previously withdrawn planning application).

7.3 Heritage Considerations

7.3.1 The application is supported by a detailed Heritage Appraisal and the development proposals will affect Derby Home in two parts. The first being the construction of an outline scheme for up to 71 dwellings upon former farmland with which it was originally associated, and secondly the conversion of the building itself into residential units.

The conversion of Derby Home

7.3.2 The scheme proposes the conversion of Derby Home into 6 apartments and the most notable change to the building will be the loss of the unsympathetic extension on the south facing elevation (which already benefits from listed building consent for its demolition). The present timber infill within the northern elevation will be demolished and the proposal indicates that following the demolition of the extension, the assumed windows in the original elevation will be made good using materials to match the existing. No details of the replacement windows have been proposed which is unfortunate however it is assumed like the stonework, these will be repaired or renewed to match the existing. There are a number of different window types including sash and crittall-type windows. Windows make an important and valuable contribution to the significance of historic buildings and inappropriate replacements can have a profound effect upon that significance. Overall it is considered that the development will have cause minor harm.

7.3.3 Internally within Derby Home this would involve the demolition and some internal sub-division. Unfortunately access to the upper floors was not available when the heritage assessment was undertaken but archive photographs suggest these were large and open plan with very few structural subdivisions illustrated. There will be inevitably a change internally and it is considered that the conversion of the building into apartments will result in an appreciable change to its significance in that it will no longer be possible to appreciate its original context and layout. Overall it is considered that the effect will be moderate harm.

Impact of the outline proposals on the setting of Derby Home and other listed buildings

7.3.4 It is considered that the flow of traffic associated with the development will have a substantial impact on the setting of Derby Home (however noting there is already vehicles passing the site at present to gain access to the Orchards), however the application includes indicative design proposals to include the provision of space around the building and a landscape buffer separating the building from the road. Landscaping improvements to the immediate surroundings has the potential to improve its current setting however overall the new housing is likely to have a moderate/minor impact on setting of Derby Home which is exacerbated given the land rises to the west of Derby Home and therefore new dwellings would have to be suitably designed and utilise materials appropriate to the area. The design of the dwellings is fundamental to the success of any reserved matters application.

7.3.5 The local authority's Conservation Officer considers that the proposal will likely impact the setting of the adjacent listed buildings including the fabric of the curtilage listed structure. The open fields have a historical connection with Derby Home as it would have provided a calming setting for Derby Home and the historic use for the farm buildings. The setting of the Royal Albert Farm has been eroded through the development of the modern health care buildings therefore it is considered the proposal will have a minimal impact on the setting and significance of the former farm. As Derby Home is elevated and the land to the west rises development will impact views of and experience of the asset. The conservation officer endorses the need for landscaping around Derby Home.

7.3.6 With respect to the conversion of Derby Home the conservation officer considers that there would be less than substantial harm involved with the subdivision of Derby Home and the modern extensions removal will better reveal the aesthetic value of the building and will ultimately contribute to its long term use and conservation. They do recommend the flat roof dormer is removed from the side elevation however the case officer considers that the dormer has been present for a number of years and whilst it would be preferable to have it removed it is not considered necessary to ask for its removal as part of this planning application. They recommend a number of planning conditions associated namely with building materials and for a 'Level 3

building survey'. Lancashire Archaeological Advisory Service offer a similar comment, and a condition securing this is proposed and Historic England has no comment to make on the planning application.

7.4 Housing Needs

7.4.1 Ensuring the development provides for the identified housing needs in South Lancaster is essential. The Housing Needs Survey of 2013 suggested that in South Lancaster the need was for predominately 2 and 3 bedroom dwellings. However a new survey to support the emerging Local Plan was undertaken during the summer of 2017 (the results of which are yet unknown). Should Members determine to support this scheme, matters associated with the size and type of dwelling should be examined at reserved matters stage. With respect to affordable housing provision, the applicant is amenable to entering into a Section 106 Agreement to secure up to 40% of the homes to be affordable. The applicant will benefit from Vacant Building Credit with respect to converting Derby Home. Vacant Building Credit allows a developer to offset some of their affordable housing requirements against the amount of vacant floorspace to be converted as part of the development. In conclusion, the proposal will make a valuable contribution to the district's housing need for affordable and open market dwellings.

7.5 Landscape and Visual Impacts

7.5.1 Local Policy DM28 and the NPPF seeks to attach great weight to the protection of nationally important designated landscapes. For the avoidance of doubt, it should be noted that the application site is not located within any such designation (e.g. AONB or National Park). The site is allocated under Policy H4 of the Local Plan for residential use. Policy DM28 states that outside of protected landscapes the council will support development which is of scale and keeping with the landscape character and which are appropriate to its surroundings in terms of siting, design, materials, external appearance of landscaping. Given this is an outline application, matters associated with siting, design, materials and external appearance of landscaping will be determined at the reserved matters stage should this be supported.

7.5.2 The site is characterised by grazed fields and the site slopes steeply away Ashton Road. The site is bound by existing residential development/NHS facilities to the east, north and west, and to the south lays farmland. The site is bound by a significant bank of trees to the north of the site and to a lesser extent along the western boundary. The majority of these trees are outside the control of the applicant

7.5.3 It is inevitable that the proposed development will lead to a landscape impact simply on the basis that the site will lose its previously recognised greenfield character, in an area that does perform a transition from countryside to city environment, however a change from open land to built-up area is not necessarily harmful. The development will also impact the setting of Ashton Road when approaching Lancaster from Ashton Road; however the impact is localised and due to the proximity of the site to the existing built form, it will be in keeping with its immediate environs.

7.5.4 It will be difficult to mitigate the impacts as the proposal will lead to an inevitable change in character of the application site, however, through careful landscaping at the reserved matters stage, the retention of trees (where possible), together with careful design this will enable the proposal to appear connected to the built form. On balance, it is contended that the visual impacts would not significantly or demonstrably outweigh the benefits of the proposal. It must also be recognised, that if the nationally important designated sites are to be protected from major development, in order to meet existing and future housing needs, landscapes that are not protected and are well related to existing sustainable settlements are the landscapes most likely to be required to accommodate future development.

7.6 Layout

7.6.1 The conversion of Derby Home to 6 apartments is considered to comply with the internal space standards as detailed within Appendix D of the Development Management DPD and overall it is considered that an appropriate levels of light and outlook would be achieved.

7.6.2 The fundamental factor that will need to be considered as part of any reserved matters consent is the change in levels across the site. Whilst the applicant has indicatively shown cross sectional

plans, demonstrating that 21 metres can be achieved between dwellings, there are parts of the site where the figure is much less. Notwithstanding this, the scheme does provide for separation distances in excess of 30 metres to those properties along Ashton Road, and this figure is considered acceptable. Layout is not being considered as part of this scheme and given the site is allocated within the Local Plan and that matters associated with layout would be determined by a separation application there is confidence a scheme can be devised which is sympathetic to the site's location.

7.7 Water Management

7.7.1 There has been a number of concerns raised regarding surface water management on the site and it is noted that stretches of the A588 are often prone to surface water flooding. A flood risk assessment accompanies the planning application which indicates that the site lies within Flood Zone 1 and that the site is not considered to be at serious risk from groundwater flooding. Surface water has been demonstrated to be able to be adequately attenuated on the site and based on the indicative sketch the area of impermeable surfacing will be 1.31 hectares based on a total site area of 3.38 hectares. This means that attenuation in the order of 1,540 m³ is required. The applicants propose to use SUD's techniques to handle surface water drainage, however have had discussions with United Utilities regarding direct connection to the mains sewer and an agreed discharge rate has been agreed. The Lead Local Flood Authority raise no objection on the understanding that the development is carried out in accordance with the submitted FRA, provision of a drainage scheme and long term maintenance to be submitted at reserved matters.

7.8 Natural Environment

7.8.1 The application is supported by an Arboricultural Implications Assessment and there is little in the way of trees and landscaping within the main body of the site however there is on the boundaries of the site notably around Derby Home together with landscaping along the northern and western boundary. The tree protection officer does have some concerns regarding the indicative layout, however layout is not being applied for and there is confidence that a scheme that takes account of existing landscaping can be realised. A planning condition is therefore recommended which requires an updated Arboricultural Implications Assessment to be conditioned. The site lies adjacent to Key Urban Landscape and any subsequent reserved matters application would need to detail a suitable and appropriate landscaping plan.

7.8.2 A bat survey is submitted in support of the scheme and Derby Home does support a small bat roost. Due to the threat that bats may be harmed, under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), a licence will be required from Natural England. The local planning authority will need to have regard to Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 and must consider;

- i) That the development is 'in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment;
- ii) That there is 'no satisfactory alternative'; and,
- iii) That derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'.

7.8.3 In relation to point i) the applicant has stated that the scheme is in the public interest to maintain an adequate supply of housing and to encourage development in sustainable locations that accord with local and national planning policy requirements and makes reference that the wider site is allocated for housing under the extant local plan. Whilst not referred by the applicant there is significant benefit in bringing a curtilage listed building back into use. It is also the case that the Government has indicated that sustainable housing developments that accord with the Development Plan could be said to meet the public interest test. It should be stressed that the delivery of housing is deemed to be of national significance (given as a nation we are building 100,000 fewer homes per year than what we need). In addition, the Local Planning Authority are unable to identify a 5 year housing land supply, and this scheme would contribute to both affordable and open market housing needs (bringing economic and social benefits) and given the potential harm to bats is low, officers consider that on balance this element of the test is passed.

7.8.4 The applicant has stated that the only realistic alternative is to leave Derby Home vacant and that this would not maximise the development potential of the site. Officers consider that the weight attached to bringing a curtilage listed building back into use weighs heavily in support, which the Framework endorses. With this in mind it is considered that other than the do nothing approach (which would be detrimental to the regeneration of the site and the building falling further into a state of disrepair) that the LPA has had due regard to the Regulations and consider that sufficient information has been supplied to enable part ii to be passed.

7.8.5 With respect to part iii, Greater Manchester Ecology Unit have noted that the roost found is small and of a relatively common bat species. It is considered unlikely to be a breeding roost. Mitigation for any possible disturbance to bats will be straightforward. In their view it is considered that the third test can be satisfied and no overall objections on the grounds of harm to bats and concludes that a protected species licence is likely to be granted by Natural England for this development. Planning conditions are recommended regarding improvements to the biodiversity value of the site and a further bat survey to be carried out.

7.9 Education Provision

7.9.1 A number of representations have been received concerned about education provision in the local area. Lancashire County Council (as education authority) have assessed the need for Primary and Secondary school places as part of this planning application. The County states there is provision in the local schools and they have not sought an education contribution on this development. Given this it is considered that there is sufficient spaces available and therefore there is adequate provision already made.

7.10 Open Space

7.10.1 Approximately 1200 m² of open space has been proposed on the indicative layout in a location quite central to the site. The Councils Public Realm Officer has recommended that provision is increased to 1292m² however this is based on the provision of 3 bedroom properties. Given the number of dwellings and bedrooms would be assessed as part of the reserved matters stage the overall quantum of on-site open space should be assessed as part of any subsequent reserved matters application. Ordinarily a development of over 35 dwellings would require on site play equipment, however the Public Realm Development Manager was requested that rather than provide play equipment on the site it could be more appropriate to upgrade the public open space at the Royal Albert Recreational Ground. This includes improvements to drainage of a football pitch, improvements to the car park and changing facilities; the merger of two current play areas and the provision of an appropriate facility for young people. Whilst the site is in close proximity to the Royal Albert Playing fields it does require crossing the busy A588 and therefore a crossing would be required to facilitate the safe movement, the overall intention is to close the three inadequate facilities and return it to open space/woodland. Planning obligations can only be secured when they are reasonable and it is recommended that this matter is re-examined at reserved matters stage when further information regarding on-site delivery of play space will be available.

7.11 Other Matters

7.11.1 The development is not within an Air Quality Management Area, notwithstanding this it is expected that the majority of private car movements associated with the development would involve passing through Lancaster City Centres Air Quality Management Area/ Galgate Air Quality Management Area. The applicants Air Quality Assessment considers that the impacts on NO₂ and PM₁₀ concentrations as a result of this proposal. As a result of the operational phase, road vehicle exhaust emissions were predicted to be negligible at all discrete receptor locations and therefore it is considered that air quality impacts as a result of the operation of the development were considered to be not significant. No views have been forthcoming from Environmental Health, however observations will be reported to members. It is recommended that electric vehicle charging points are provided for to allow the charging of electric vehicles. The site is grazed and the site has been historically farmed and therefore unlikely to be contaminated, however an unforeseen contaminated land condition is recommended to be attached to any planning consent.

7.11.2 Approximately 75% of the site is covered by a mineral safeguarding zone. However given the location (in close proximity to residential dwellings) it is highly unlikely that the site would be able to be commercially worked for minerals. Notwithstanding this, there may be the opportunity for a prior extraction exercise to take place; however given the constraints of the site this is unlikely to be feasible and it is not considered there would be any sterilisation of mineral resource by non-minerals development and therefore the scheme complies with Policy M2 of the Lancashire Minerals and Waste Local Plan.

8.0 Planning Obligations

8.1 It is recommended that the obligations listed below are secured by way of legal agreement under s106 of the Town and County Planning Act 1990. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF:

- The provision of up to 40% of the total units on the site to be affordable homes based on a 50:50 (social 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 (discussions ongoing with County as to what this will deliver and members will be verbally updated);
- 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).

9.0 Planning Balance and Conclusions

9.1 The Local Planning Authority is unable to demonstrate a five year housing land supply and Paragraph 14 of the NPPF states that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. The development would make a significant contribution towards meeting the need for market and affordable homes, and the scheme would facilitate the restoration of Derby Home. Whilst there are concerns regarding highway and drainage impacts the relevant statutory consultees raise no objection to the development and therefore this neither weighs in support or against the scheme.

9.2 There will be a harmful effect on the existing character and appearance of the area, but it has to be remembered that the site does have the benefit of being allocated for residential development. There will be a change from open grazing land to housing development - the overall impact being moderate though in close views that would increase to significant. As part of the planning balance Officers conclude that the delivery of affordable and market homes outweighs the negatives associated with the landscape impact and to the harm caused to the setting of Derby Home. It is considered that the proposal does represent a sustainable form of development, and for the reasons given above, and taking other matters into consideration it is recommended that Members support the scheme subject to the conditions and obligations listed.

Recommendation

That subject to the applicant entering into a Section 106 Legal Agreement to secure the obligations noted in Section 8.1, 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 levels to include garden and open space

Recommendation

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

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

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent 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.