

Agenda Item	A5
Application Number	21/00515/FUL
Proposal	Demolition of two dwellings and erection of 14 affordable residential dwellings with associated access and landscaping
Application site	67 And 69 Slyne Road And Land To The Rear, Lancaster
Applicant	Great Places Housing Group
Agent	Sheila East Lancashire Property (UK) Ltd
Case Officer	David Forshaw
Departure	Yes
Summary of Recommendation	Approval (subject to amendments to house types to cater for Nationally Described Space Standards and further discussions on biodiversity net gain) and subject to s106.

1.0 Application Site and Setting

- 1.1 This site relates to two disused semi-detached dwellings fronting Slyne Road, associated outbuildings and an area of allocated open space to the rear. The dwellings are in an uninhabitable condition and the roof coverings have been removed. It is believed the site was last occupied in July 2018. The open space is included within the application site boundary but falls outside the domestic curtilages although there is no physical boundary between the two. This open space extends north to the rear of adjacent flats and is overgrown, containing a number of trees mostly towards the site boundaries. There is a Tree Preservation Order on trees within and adjacent to the site (ref. 659 (2018), including two groups along the southern boundary, a group along the western boundary, a sycamore within the site and a silver birch which appears to be within the highway verge.
- 1.2 To the south of the site is Skerton St Luke's Church of England Primary School, and to the north of the existing dwellings is a two storey building containing flats (Hareruns House) with garages beyond this. To the north of the open space part of the site is a scout hut and the car park associated with King George's Field, an allocated area of open space containing playing pitches and a play area located to the west of the site.
- 1.3 The site is identified as being susceptible to groundwater flooding (50-75%) and partly to surface water flooding (1 in 1000 years). It is also with zone 1 of the Lancaster Air Quality Management Area. The site is located approximately 3 kilometres from Morecambe Bay Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.

2.0 Proposal

- 2.1 The application, as amended, proposes to demolish the existing dwellings, and outbuildings and redevelop the curtilage and open space to the rear with 14 semi-detached dwellings. All dwellings will be affordable homes provided as shared ownership and managed by the applicant, Great Places

Housing Group. There will be 12 no. 3 bed (5 person) two storey houses and 2 no. 2 bed (3 person) bungalows. All will be served by a single point of access off Slyne Road situated alongside the adjacent flats. On-site parking and amenity space is included and a financial contribution will be secured to improve off site open space provision.

2.2 The houses will be constructed of buff and grey bricks with white render panels to the bungalows under grey concrete tile roofs. Fenestration, rainwater goods, fascias and soffits will be in dark grey.

2.3 As amended following negotiations, parking will be down the side of properties along the south side of the road and in front of the properties to the north side. Driveways and parking areas will be surfaced with block paving and separated by landscaped areas. A row of trees along the southern boundary are being retained and replacement planting will be provided in rear gardens and along the western boundary with King George's Fields.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00142/OUT	Outline application for the demolition of 2 residential dwellings, and associated buildings, together with the erection of 10 dwellings with associated access	Refused
20/00244/PRETWO	Erection of 16 dwellings	Advice Given
18/01379/PREONE	Demolition of 2 dwellings and erection of semi and linked detached dwellings	Advice Given
18/00866/PRETWO	Demolition of 2 dwellings and erection of a block of 12 flats and 10 dwellings	Advice Given
19/0013/TPO	Works to various trees	Permit

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection following amendments to the internal layout. To mitigate the potential for cars from the adjacent school blocking the access to and parking within the development, yellow lines are needed to extend past the entrance to the north and into the site. This can be achieved through a s278 agreement; EV charging points are needed and standard conditions to be imposed
Greater Manchester Ecology Unit	Biodiversity net gain assessment shows a net loss which is contrary to policy and therefore object . The mature trees and buildings on the site were assessed for their potential to support roosting bats, and only negligible potential was recorded. However, as this survey is from December 2019, an updated survey is recommended.
United Utilities	Drainage strategy unacceptable – no evidence of hierarchy and it is not Suds standard compliant; need further evidence of infiltration testing. Standard conditions to agree scheme
Civic Society	Support principle but not design. Overall impression of overcrowding small site; lack of open space; austere layout and drab materials; concerns over quality of landscaping.
County Education	Contribution to school places is not needed
Sport England	Previous objection now withdrawn following consideration of the applicant's Ball Strike Assessment and requests condition to secure a 1.8m fence along the boundary with the playing fields to mitigate the potential for footballs to cause damage and nuisance to future occupiers.
NHS	Requests £4364 towards reconfiguration of Lancaster Medical Practice (Owen Road) for additional general practice clinical capacity. Without this objection is raised
Fire Officer	Standard advice
Natural England	No objections subject to provision of homeowner packs to mitigate recreational

	disturbance of the protected Morecambe Bay habitats
Arboricultural Officer	It is positive to see that the layout of the scheme has been revised, incorporating existing trees into the design. However, whilst the revised layout is a marked improvement, due to the scale of the trees to be retained and their proximity to the dwellings, it is likely that there will be future pressure for removal/pruning due to light, perceived threat, and seasonal nuisance. Reducing the number of plots further would reduce this pressure and enable additional trees to be retained. Of the 22 individual trees and five groups identified within the AIA, seven trees will now be retained within the site. All seven trees sit along the southern boundary with St Luke's Primary School. Of the seven trees to be retained, six will require immediate pruning works to reduce their impact on the development. To compensate for the loss of trees, the revised landscape proposal includes the replanting of 19 trees around the site boundary. The planting of trees of upright form was discussed with the applicant and this has been taken on board, reducing future conflict. In addition, approximately 73 metres of beech hedgerow will be planted in short sections along the boundary of the internal road and between driveways. No individual trees are proposed within the site due to a lack of space.
EHO	No objections subject to conditions requiring electric vehicle charging points and implementation of noise and demolition dust mitigation measures
Housing/policy	Great Places Housing Group is a well-established local Registered Provider in Lancaster district and an important existing partner assisting the city council in meeting local housing need. The scheme is now seeking to provide 14 units of affordable housing with the layout and density being improved which will enhance the quality of the scheme and takes better account of other planning considerations. Whilst I very much welcomed an opportunity to increase the number of affordable rented units in north Lancaster, this has to be balanced with the cost of developing the scheme and the reduction in the overall number of units being provided. A scheme providing 14 shared ownership properties will still provide an excellent opportunity to meet local affordable housing need to first time buyers who are not able to purchase properties at full market value and therefore fully support this proposal.
Public Realm	The applicant has taken on board previous concerns and reduced the number of dwellings to provide sufficient on-site amenity open space and planting. The site is classed as natural and semi natural greenspace which is in deficit across the district but is not publicly accessible. Development is acceptable where appropriate mitigation or compensation measures are provided. An off-site contribution of £10,928.75 is needed to improve the adjacent King George playing pitches and young persons' provision in Ryelands Park.
LLFA	No objection subject to standard conditions including final drainage scheme design to be submitted and agreed
Waste and Recycling	No objection in principle but collection points should be provided at the end of each shared driveway

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

Five objections on the grounds of:

- Over development;
- Traffic implications from existing congestion, parking and situated near a school and bend; recent fatality;
- No evidence dwellings will be sustainable;
- Cycle lanes and widened pedestrian footpaths needed;
- Each house should have a cycle store;
- Effect on trees;
- Development of derelict site is needed but previous refusal for less houses and loss of less trees not taken into account. Scheme needs to be reduced.

1 Support

- Much needed development of the site

5.0 Analysis

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

- Principle of development
- Layout Issues
- Ecology and loss of trees
- Highways
- Drainage
- Effect on adjacent playing fields
- Energy and sustainability

5.2 **Principle of Development (SPLA Policies SP1, SP2, SP3, SP6, SP8, SC3; DMDPD Policies DM1, DM3, DM27; DM43; NPPF sections 2, 5, 11 and 15)**

5.2.1 The site is located within the urban area of Lancaster and lies adjacent to existing residential development and a school. 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 open space part of the site is identified as natural-semi natural (NSN) green space on the local plan map. Loss of identified open space is not supported unless an assessment has been carried out to demonstrate it is surplus to requirements, it no longer has an economic, environmental or community value or the loss is replaced by equivalent or better provision.

5.2.3 The applicant has submitted an assessment which states the area is 0.27ha and not 0.77ha as stated in the local plan which is marginally over the 0.2ha threshold for including sites within the local plan open space assessment. The site has never and does not now have public access and therefore should not have been included in the open space assessment. The applicant's assessment concludes there is sufficient NSN green space across the district so its loss will not lead to a deficit. Furthermore, there is only very limited visual and ecological value and loss is justified against the requirements of policy DM27 and the NPPF.

5.2.3 The applicant's assessment does not use the benchmark for NSN used in the Planning Advisory Note and therefore produces a skewed figure. Using the adopted benchmark, there is a deficit of NSN in the area. Furthermore, the site does have some visual amenity and ecological value, albeit very localised and limited. However, it is accepted the site is not publicly accessible, except where boundary fencing has been broken down to gain unauthorised access. In accordance with criterion iii of DM27 loss can be accepted if it is replaced by equivalent or better, high quality provision in a suitable location. The amount of contribution required to offset loss is £10,928.75 (after a 50% discount is applied due to the affordable housing scheme proposed). This can be used to improve the adjacent football pitches in King Georges playing fields which are in poor condition (£7,428.75) and young person's provision, which is also in deficit, in Ryelands Park (£3,500). This contribution can be secured through a s106 agreement.

5.2.4 Provision of housing meeting an identified need is also a material consideration in consideration of the principle of development. 14 affordable shared ownership dwellings, including 2 bungalows is very welcomed. Given the limited amenity value of the site and lack of public access, provision of affordable housing and funding for replacement better quality open space facilities, the principle of development is considered acceptable despite the loss of the open space.

5.3 **Layout (DMDPD Policies DM2, DM29, DM30)**

5.3.1 The original layout proposed 16 dwellings including 4 bungalows. This resulted in all trees on site being removed, an over dominance of car parking in front of the dwellings, insufficient amenity space and substandard garden sizes to many of the plots. These deficiencies represented over development of the site to an unacceptable degree. Following negotiation, the application has been amended to reduce the overall number by two bungalows, enabling retention of 7 trees along the southern boundary, parking between dwellings, increased amenity and landscaping areas and

greater on site replacement tree planting.

5.3.2 The layout remains deficient in respect of rear garden areas to plots 10, 11, 12 and 13. These gardens should be 60sqm in area and 10m in length. Plot 10 is 55sqm (9m long), plot 11 is 49.5sqm (8.25m long), plot 12 is 49sqm (8m long) and plot 13 is 45.3sqm (7.3m long). Furthermore, the rear garden length of plots 1, 2 (both bungalows), 3 and 4 are deficient in length and only provide between 4.3m to 8.9m. All other garden areas (including plots 1 and 2) exceed the minimum sqm requirement, the largest of which is over double the size. The fact there is an existing playing field and play area on adjacent land and that the rear garden lengths are not required to provide separation to prevent loss of privacy (there are no other dwellings rear of the short rear gardens) and, in the case of the bungalows, prospective mobility impaired residents do not want long garden areas due to access issues, means in this case the deficiencies are just about acceptable, when balanced against the provision of a 100% affordable housing scheme.

5.3.3 Internal interface distances are met. The distance between a principle habitable room window in plot 3 and existing flats in Hareruns House to the north is, at 20m, 1m short of the normal requirement. However, given this relates to a single bedroom window to one plot it is not considered sufficient to justify refusal of the whole scheme.

5.3.4 The two bungalows are NDSS compliant although the two storey houses are not. The houses are each over 8sqm short of the standard. Further discussions will occur with the applicant to address the shortfall and will be reported verbally to councillors. All the properties will meet M4(2) accessibility standards. The design of the dwellings is acceptable, being of appropriate appearance and materials for the locality.

5.3.5 Improvements to the layout have made the current proposal acceptable as there is now not overdominance of car parking and adequate amenity/open space with appropriate planting is now provided and retention and re-placement of more trees is possible.

5.4 **Ecology and Loss of Trees (DMDPD Policies DM44, DM45)**

5.4.1 The submitted preliminary ecological survey finds the site is not subject to any statutory designation, is not a priority habitat, does not show the presence of any protected species and is unsuitable or has negligible value for them. These findings are accepted although given the age of the survey (completed in December 2019) further surveys for bats prior to commencement of development is proposed to be conditioned. In addition, the survey recommends installation of bird and bat boxes and mitigation measures should various species be found on site which can all be conditioned.

5.4.2 Of the 22 individual trees and five groups identified within the Arboricultural Impact Assessment, seven trees will now be retained within the site, which are along the southern boundary with St Luke's Primary School. Of these, six will require immediate pruning works to reduce their impact on the development. To compensate for the significant loss of trees, the revised landscape proposal includes the replanting of 19 trees around the site boundary. The planting of trees of upright form was discussed with the applicant and this has been taken on board, reducing future conflict. In addition, approximately 73 metres of beech hedgerow will be planted in short sections along the boundary of the internal road and between driveways.

5.4.3 Negotiations have minimised tree loss and maximised replacement planting. Further reduction in the number of dwellings will enable more trees to be retained and greater replacement planting. However, the applicant states this is not possible due to viability of the scheme. No viability evidence has been submitted to prove this. Also, there is a need to raise the slab levels of the houses in the middle of the site to achieve natural fall for drainage towards Slyne Road. This will result in compaction of root zones of the trees along the western boundary resulting in them needing to be removed. In addition, many of the trees to be removed are of poor quality having been neglected for many years and are not suitable species to be in close proximity to housing. The loss of so many trees (especially protected trees) is regrettable but in the circumstances, including provision of much needed affordable housing, it is considered this is acceptable in the overall planning balance.

5.4.4 The submitted biodiversity net gain calculation shows a reduction of 18% following the development. Policy DM44 states there should, as a principle, be a net gain wherever possible. Where harm from development cannot be avoided, a developer must clearly demonstrate that the negative effects can

be mitigated, or as a last resort, compensated for. Where a proposal leads to significant harm planning permission should be refused. The revised scheme allows for retention of more trees, greater replanting, additional amenity space with appropriate shrub and hedgerow planting and conditions are proposed to ensure bat and bird boxes are provided. This represents suitable mitigation for the site. Although in this case gains may be possible if the number of dwellings is reduced, 18% reduction does not represent significant harm and given the overall benefits from provision of affordable housing, the loss of biodiversity in this case is considered acceptable. However, officers are working with the applicants as to what may or may not be possible, councillors will be updated verbally.

5.4.5 Identified impacts on the Morecambe Bay protected habitats from recreation pressure can be suitably mitigated through a condition requiring issue of homeowner packs to residents as agreed with Natural England.

5.5 **Highways (DMDPD Policies DM60, DM61, DM62)**

5.5.1 County Highways is satisfied the internal road layout is to adoptable standard. There are concerns about parking from the school across the site entrance and within the site. To prevent this, double yellow lines at the entrance, into the site and further north along Slyne Road to the junction with Heron Syke can be secured through s278 works.

5.6 **Drainage (DMDPD Policies DM 33, DM34)**

5.6.1 An outline drainage strategy has been submitted which requires further evidence of infiltration testing to satisfy United Utilities and both they and the LLFA require standard conditions to agree the final drainage system design prior to commencement of the development. Whilst it would have been prudent to have this information shared in advance of determination officers are confident that this can be addressed in a robust manner.

5.7 **Effect on King George's Playing Fields**

5.7.1 Initially Sport England objected to the proposal due to the potential for damage and nuisance from footballs off the adjacent playing pitch leading to complaints that could jeopardise use of the pitch through the agent of change principle. The applicants have undertaken a ball strike assessment that concludes a 1.8m high solid fence will suffice to prevent undue problems given the distance between the pitch and proposed houses. As a result, Sport England has withdrawn its objection subject to a condition to secure an appropriate fence.

5.8 **Energy and Sustainability (DMDPD Policies DM29, DM30)**

5.8.1 The submitted energy statement acknowledges the development must be capable of adapting to climate change and commits to investigate use of renewable energy and low carbon technologies during the design stage. A condition is proposed for this to be agreed prior to commencement.

5.9 **Other Matters**

5.9.1 The NHS request for contributions cannot be accepted at this time. No evidence has been provided by the NHS justifying the need or cost for the proposed works to the medical centre. Accordingly, the request does not meet the required CIL regulations tests.

5.9.2 No Employment and Skills Plan or details of cycle storage have been submitted so conditions are proposed requiring submission for approval.

6.0 Conclusion and Planning Balance

6.1 The proposal is deficient in the garden sizes of a minority of plots and one window to window interface and results in the loss of a significant number of protected trees and biodiversity. The development will also result in the loss of identified open space. Balanced against this, and in favour of granting approval, is the provision of much needed affordable housing, including two bungalows and a financial contribution towards improvements to other typologies of open space. The grant of approval here is very finely balanced and should the scheme has come forward as a typical market/affordable housing scheme would not have been supported. Given the weight attached to provision of affordable housing, in terms of the planning balance, the revised proposal provides benefits which override the negative impacts and the recommendation is that permission be granted. This recommendation is based on amendments to the house types to cater for nationally described space standards, and improvements to the biodiversity enhancements the scheme can offer.

7.0 Section 106 requirements

7.1.1 A s106 legal agreement is required to secure:

- financial contribution of £7,428.75 towards improvements to the adjacent King George playing pitches
- financial contribution of £3,500 towards young person's open space provision in Ryelands Park
- a scheme to manage and maintain on site open space, landscaping and any other land and infrastructure that would not be adopted by public bodies.

Recommendation

That Planning Permission BE GRANTED (subject to house type space standards and biodiversity net gain resolutions) and subject to a s106 agreement and the following conditions:

Condition no.	Description	Type
1	Standard Timescale 3 years	Standard
2	Approved Plans	Standard
3	Affordable Housing	Pre-commencement
4	Construction Environment Management Plan	Pre-commencement
5	Road Management and Maintenance	Pre-commencement
6	Access and Road Construction Details	Pre-commencement
7	Sustainable Surface Water Drainage Scheme	Pre-commencement
8	Construction Phase SW Management Plan	Pre-commencement
9	Employment and Skills Plan	Pre-commencement
10	Sustainable Construction and Energy Efficiency	Pre-commencement
11	Bat Surveys	Pre-commencement
12	Finished Floor Levels	Above ground
13	Estate Road Base Level Construction	Above ground
14	Materials	Above ground
15	Boundary treatments (incl fence to playing pitches)	Above ground
16	Homeowner Packs	Pre-occupation
17	Electric Vehicle Charging Points	Pre-occupation
18	Parking Provision	Pre-occupation
29	Drainage Management Plan/Verification Report	Pre-occupation
20	Cycle Storage details	Pre-occupation
21	Access and off site highway works Provision	Pre-occupation
22	Ecological/Protected Species Mitigation measures	Pre-occupation
23	Landscaping Implementation and Maintenance	Time specific
24	Nesting Birds	Time specific
25	NDSS/M4(2)	Control
26	Wheel washing facilities	Control
27	Noise Mitigation	Control

28	Separate Foul System	Control
29	Construction Deliveries	Control
30	Development in Accordance with FRA	Control
31	Implementation of Approved Arboricultural details	Control
32	Hours of Construction	Control
33	Removal of PD rights (plots 1 to 4 and 10 to 13)	Control
34	Unforeseen Contamination	Control

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