

<b>DECISION DATE</b> 2 April 2009	<b>APPLICATION NO.</b> 09/00025/FUL A12	<b>PLANNING COMMITTEE:</b> 9 March 2009
<b>DEVELOPMENT PROPOSED</b>  ERECTION OF 2 X 12 METRE POLYTUNNELS, 2 METRE HIGH BOUNDARY FENCE AND SITING OF TWO CONTAINERS FOR A COMMUNITY ALLOTMENT		<b>SITE ADDRESS</b>  LAND OPPOSITE 176 TO 198 AMBLESIDE ROAD LANCASTER LANCASHIRE LA1 3ND
<b>APPLICANT:</b>  Mr Simon Gershon F16 St Leonards House St Leonardsgate Lancaster Lancs LA1 1NN		<b>AGENT:</b>

#### REASON FOR DELAY

None.

#### PARISH NOTIFICATION

None.

#### LAND USE ALLOCATION/DEPARTURE

Within the Lancaster District Local Plan, the site falls within a County Biological Heritage Site and is also designated as Key Urban Landscape area.

#### STATUTORY CONSULTATIONS

**County Council Highways** - No objections to the proposal, however the proposed vehicle access will require alteration to the kerbs on Ambleside Road.

**Environment Agency** - No objections to the proposal.

**United Utilities** - No objections to the proposal subject to advice regarding the maintenance responsibilities and the adoption of drainage systems.

**County Ecologist** - Although the application area is within the Biological Heritage Site (BHS) known as Newton Beck Valley, the area affected is managed amenity grassland. It is therefore unlikely that the proposed work would have a negative impact on the BHS.

In order to ensure that other parts of the BHS are not affected in the short or long term, It is recommended that there be planning conditions to address the following matters:

- Protection of other parts of the BHS from all works associated with construction, deliveries and site development & storage.
- Submission of a garden waste (and other debris) Management Plan, including regular monitoring.

**Environmental Health** - No comments received at time of writing the report, comments will be reported verbally.

**Property Services** - No comments received at time of writing the report, comments will be reported verbally.

## **OTHER OBSERVATIONS RECEIVED**

**Tree Protection Officer** - No comments received at time of writing the report, comments will be reported verbally.

At the time of writing the report one letter of objection has been received, stating the impacts of additional car parking and vehicle movements on Ambleside Road and the possible detrimental impact the proposal could have on nature and wildlife.

Any other comments will be reported verbally to Members.

## **REPORT**

The application has been brought before Committee Members as the subject site is in City Council ownership.

### **The Site and its Surroundings**

The application site is located to the north east of Lancaster City Centre adjoining the northerly edge of the Ridge Housing Estate, and is sited on an area of land fronting the residents of 176 to 198 Ambleside Road. These residential properties are sited on considerably higher ground to that of the highway and the application site.

The site is an area of public open space located north of an existing, floodlit, multi-use, fenced sports court, which was granted planning consent in 2001 (Ref: 01/00991/DPA).

### **The Proposed Development**

Local and Effective Sustainable Solutions (LESS) are a Lancaster-based company which aims to develop a community food-growing initiative within the district. As part of this ambition a new Community Allotment site is proposed, which will be managed by a team of horticulturalists. It will be available for individual and group use.

The applicant, on behalf of LESS, seeks planning consent to site 2 polytunnels and 2 storage containers within the area of land, in addition to a composting toilet, all of which would be enclosed by a two-metre high boundary fence to form the Community Allotment Area.

A new vehicular access from Ambleside Road is also proposed.

## Planning Policy

At the national level, Planning Policy Guidance (PPG) 17 – ‘Planning for Open Space, Sport and Recreation’ advocates well-planned and maintained open spaces that act as a focal point for community activities. Allotments are listed within a typology of ‘open spaces that may be of public value’.

Planning Policy Statement (PPS) 9 - ‘Biodiversity and Geological Conservation’ aims to promote biological and geological diversity. Biological Heritage Sites are a local site-designation, and as such local planning authorities are advised to use their own criteria-based policies to assess the impacts of developments.

At the local level, the following policies are relevant:

Lancaster District Core Strategy **E1** Environmental Capital - Seeks to improve the district’s environment by means of protecting valued landscapes from inappropriate development, by protecting open sites of importance, by protecting semi-natural habitats in urban areas; and by raising environmental quality.

Lancaster District Local Plan (LDLP) Saved Policy **E31** - Key Urban Landscape - Seeks to safeguard important natural features and preserve the open nature of the area, and the character of the surroundings.

LDLP Policy **E17** - Biological Heritage Site - Development likely to damage or destroy a Biological Heritage Site will not be permitted. Such sites should be protected from development or disturbance as far as practically possible, unless the need for development demonstrably outweighs the need to protect the site. Where development is permitted, compensation or mitigation measures (such as habitat creation areas) should be required.

## Assessment

There are four key issues with regard to the proposed development. They are:

- Whether the proposal adversely affects the Biological Heritage Site;
- Whether the proposal has a visual impact upon Key Urban Landscape;
- Whether the proposal introduces highway and traffic problems; and,
- Whether the proposal is detrimental to neighbouring amenity.

## Impact upon the Biological Heritage Site

The site lies within the Newton Beck Valley Biological Heritage Site (BHS). It is usually the case that most forms of development, including allotments, could result in disturbance to important features or habitats.

However the applicant has submitted a Biodiversity and Geology Report, which concludes that this site is amenity-mown grassland, and due to mowing very few grass species can survive. In addition mown grass does not provide much in the way of useful habitats.

These conclusions have been accepted by the County Ecologist, who has also carried out an on-site investigation. They conclude that it is ‘reasonably unlikely’ that the work will have a negative impact on the BHS. However protective measures are required by imposition of planning conditions, and these relate to the submission of a Management Plan for garden and other forms of waste management, and the submission of a plan indicating how remaining areas of the BHS will be protected from development, external storage and vehicle movements.

## **Impact upon the Key Urban Landscape**

The Key Urban Landscape designation is much larger than the BHS designation, and extends towards Lancaster Business Park to the north and abuts the M6 Motorway to the east and south.

Key Urban Landscape applies to open land that is considered fundamentally important to the character of the city. This particular site is best described as urban fringe, given the proximity of the adjacent sports area. The fact that the land begins to gently rise to the north means that the openness of the larger designation is not compromised. Allotments are, by their very nature, disruptive in terms of character and appearance of the landscape. The change in the appearance of the ground and the extent of ancillary buildings can detrimentally affect the openness and perception of the landscape. However, for the geographic reasons already referred to, and the screening that presently exists, it is considered that this relatively small area of land could accommodate the use without affecting the setting of the city.

A tree and hedge survey has identified a reasonably diverse array of species surrounding the site. In summary, to the west lies two lines of semi-mature trees, the most mature of which abut the highway. To the east of the site lies hawthorn hedging and some sporadic species of tree. These are shown as being retained and will perform important screening functions.

## **Highway and Traffic Impacts**

It is proposed to create a new vehicular access leading from Ambleside Road (in front of Numbers 196 and 198), which will then curve northwards, in front of the multi-use sports area.

It is noted that County Highways do not object to the proposal, subject to the standard advice note being attached to any consent requiring the developer to alter the kerbs to create the access.

Notwithstanding this stance, the local planning authority remains concerned that the highway details are not expressly provided in the submission. In particular, details of how vehicles will turn within the site so that they can exit in forward gear. Such a detail could be conditioned, but as an area of hardstanding would be required (and could potentially be sizeable, given the need to turn around with trailers, etc), it is considered prudent to obtain further details. These details will also include the exact position of the proposed on-site cycle parking, and the one vehicle parking space proposed.

The access road would be screened behind existing planting, although the developer also needs to confirm precise dimensions of this track to ensure that the root systems to existing tree screening is not affected.

Subject to the satisfactory resolution of these issues, there are no highway objections. A verbal update will be reported to Committee in this regard.

## **Neighbour Amenity Impacts**

In terms of the impact on residential amenity the comments arising from neighbour notification are noted. However, allotments are a type of use that is accepted in urban environments and is actively encouraged by all tiers of planning policy, where other matters are also considered to be acceptable. In addition, the distances involved in this particular case (being approximately 40 metres from the nearest dwellinghouse), and the fact that the highway separates the application site from the closest residential properties, leads the local planning authority to conclude that the use is both compatible with its neighbouring surroundings and appropriately located in terms of residential amenity. The belt of screening would further assist in alleviating any impacts.

However the containers that are proposed are only acceptable as a temporary measure. Encouraging the permanent location of structures such as these would not be in the interests of visual amenity. With this in mind planning conditions are proposed requiring the painting of the containers in a dark green colour, and the removal of the containers within 2 years of the date of consent. The local planning authority would welcome further discussion in due course about more permanent replacement structures, should they be required.

The polytunnels are deemed to be more appropriate in relation to the use of the site, and the temporary condition does not apply to them. The toilet block will be lime-rendered with a slate roof, and is acceptable.

## **Conclusion**

Overall, the site is a sustainable location for the type of community recreational facility proposed. The protective land designations that exist are not considered to be compromised by the proposal, nor would the use of the site have a detrimental impact upon visual or neighbouring amenity. The containers are not however considered appropriate as long-term installations, and a temporary consent should provide some time for the applicant to pursue other, appropriate, permanent solutions.

The access arrangements are accepted by County Highways, although the local planning authority requires further details in order to be totally satisfied that the proposals will provide the best highway solution. Discussions will continue with the applicant so that this information can be brought before Members.

Therefore, subject to the highway matters being clarified and being acceptable, this is an application which can be supported.

## **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **RECOMMENDATIONS**

That **PERMISSION BE GRANTED** subject to the following conditions:

1. Standard 3 year condition (for the polytunnels, access track and toilet)
2. Temporary period of consent (2 years) for the two containers
3. Development as per approved plans
4. Constructional details of the access track and on-site turning circle to be agreed
5. Cycle and single car parking space to be agreed
6. Standard landscaping condition
7. Details of type, colour and heights of boundary fencing, pedestrian gates and vehicular gates to be agreed
8. No development until a Management Plan for garden and waste management is submitted and agreed
9. No development until details of protection measures to adjoining BHS habitats and features is submitted and agreed
10. As required by consultees