

Agenda Item	Committee Date	Application Number
A6	3 April 2017	16/01599/OUT
Application Site Higher Bond Gate Abbeystead Road Dolphinholme Lancaster	Proposal Outline application for the erection of up to 49 dwellings, 1 shop unit (A1) and the provision of an underground foul pumping station with creation of a new vehicular access point, public footpath and associated landscaping.	
Name of Applicant Mr & Mrs D Wallbank	Name of Agent Mr Avnish Panchal	
Decision Target Date 6 April 2017	Reason For Delay N/A	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Note

A site visit was arranged for Committee Members to view this particular site prior to the Committee meeting. This was undertaken on 27th March 2017.

1.0 The Site and its Surroundings

- 1.1 The application site is located to the north eastern fringe of the village of Dolphinholme, approximately 11 km to the south of Lancaster City Centre. The site relates to a 3.3 hectare parcel of land that is bound by Abbeystead Road to the south, open fields to the north and east, and Brookside Drive to the west with residential properties beyond this. The site falls to the south being circa 103 metres above ordnance datum (AOD) in the north west corner of the site falling to 89 metres AOD to the south of the site where the proposed access is to be located. There is a shallow valley that runs from north to south close to the western boundary of the site. The site is bound by hedgerows to the south of the site and there is a hedgerow that runs in a south-west to north-east direction in the southern section of the site. There are isolated trees that run along the western boundary of the site, but no boundary treatment to the north.
- 1.2 The site is relatively unconstrained, though it is within an area that is susceptible to groundwater flooding. A Tree Preservation Order (TPO 574, 2016) covers a number of trees that exist within the site (notably along the boundaries). Lower Starbank Farm is Grade II listed and is located approximately 150 metres to the north of the development proposal. A watercourse is located on the western boundary of the site and Footpath 39 is located to the south of Abbeystead Road (20 metres away) and Footpath number 43 is 150 metres to the north. The proposed development is approximately 350 metres to the north west of Dolphinholme Conservation Area and approximately 1km to the south west of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), but does fall within the District's Countryside Area.

2.0 The Proposal

- 2.1 The proposed development is made in outline form for the erection of up to 49 dwellings (of which 20 would be affordable dwellings) with only the means of access and landscaping being currently applied for. There is an existing bungalow on the site which is intended to remain. Matters associated with scale, layout and appearance will be considered at reserved matters stage should a scheme be supported. The applicant has provided an indicative layout of how they consider the site could be developed. The applicant proposes to connect Footpath 39 with Footpath number 43 with a new footway that would cross the site. The submission also includes provision for a village store of 85 m² in area. A foul pumping station is also proposed, with the details to be agreed as part of any subsequent reserved matters application.
- 2.2 The site's proposed means of access is off Abbeystead Road and the main spine access will feature a 6m wide access and the scheme proposes visibility splays in the region of 2.4m x 100m to the west and 2.4m x 103m to the east.

3.0 Site History

- 3.1 The relevant history is noted below.

Application Number	Proposal	Decision
16/00041/OUT	Outline application for the erection of 68 dwellings with creation of a new access	Withdrawn prior to determination
15/00907/PREONE	Pre-application Advice	Determined

4.0 Consultation Responses

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

Consultee	Response
County Highways	Objection. Considers that the development is not in a sustainable location and would lead to an over-reliance on the use of private car contrary to the NPPF. Have recommended a suite of planning conditions should the application be approved.
Ellel Parish Council	Objection. The local plan does not include development within Dolphinholme and any development within Dolphinholme should be an extension and not out of the village, the scale of development will have a detrimental impact on the village, the development will result in the increase in traffic, the waste water system is not equipped for extra housing, there is flood risk associated with the development and lack of infrastructure to cater for this development.
Greater Manchester Ecological Unit	No objection. Recommends the ecological mitigation measures and enhancement measures are employed.
Natural England	No objection, though recommends the views of the AONB Unit are sought.
Forest of Bowland AONB Unit	Objection. The proposed development as the development is within the setting of the AONB and on the edge of a 'gateway village' to, and from the Trough of Bowland.
Environment Agency	No objection.
United Utilities	No objection subject to conditions associated with foul and surface water on separate systems and the management and maintenance of the SUDs scheme.
Lead Local Flood Authority	No objection, subject to conditions concerning a surface water drainage scheme and maintenance and management plan to be submitted for consideration.
Tree Protection Officer	No objection, subject to conditions on hard and soft landscaping and the development being in accordance with the AIA.
Local Plans Team	The site is located in the 'Countryside Area' on the edge of the Forest of Bowland AONB. Whilst development in principle is acceptable in such locations it needs to comply with other policies within the Development Plan and ultimately the deliver sustainable development.

Public Realm Officer	No objection. There should be 819 m ² of open space provided on site; a play area will also be required; a financial contribution of up to £94,849 going towards potential improvements to the Village Bowling Green, Tennis Courts and a small community play area within the village and contribution towards the kick about area in the village.
Lancashire Police	No objection. Matters associated with secured by design can be addressed at Reserved Matters stage.
Conservation Section	No objection
Dynamo (Lancaster and District Cycle Campaign)	Objection. Increasing traffic along narrow country lanes, without any mitigation being provided for.
Environmental Health	No objection. Recommends that each dwelling is provided with a charging facility for electric vehicles and conditions associated with dust control measures during the earth moving operations.
Environmental Health (Contaminated Land Officer)	No objection, subject to conditions associated with contaminated land.
County Council (Mineral Safeguarding)	No observations received within the statutory timescales.
Public Rights of Way Officer	No objection, and welcomes the provision of connections to the public rights of way.
National Grid	No observations received within the statutory timescales
Strategic Housing Officer	No objection
Ramblers Association	No observations received within the statutory timescales
Fire Safety Officer	No objection
Wyre Borough Council	No observations received within the statutory timescales

5.0 Neighbour Representations

5.1 **66 letters** of objection have been received in response to the scheme raising concerns with the following main issues:

- Highway issues, including increase in traffic in the village and on minor roads; poor visibility at site's junction; safety around the school at peak times and a general lack of footways;
- Sustainability issues, including no public transport, and lack of other infrastructure to support a scheme of this nature, such as school places and shops;
- Impact upon village life, erosion of countryside and loss of agricultural land;
- Drainage and flooding issues, including concerns regarding waste-water management and existing flooding from the brook adjacent to the site;
- The site should not have been included within the local plan as a potential development site;
- The development would have an adverse impact on the AONB;
- Detrimental to the ecological value of the site;
- The village is undertaking a Neighbourhood Plan and this development needs to be considered in this context;
- Number of errors contained within the application namely distances to Garstang and Lancaster and inconsistencies within supporting documents; and,
- Affordable houses in an area with no services is of little benefit.

There has been **29 letters** of support received raising the benefits of the scheme such as;

- Provision of affordable homes in an area of the District where house prices are high;
- Enables people to stay within the village as they may be able to afford a property;
- Would reinforce the character of the area and provision of a shop and supporting local public transport is a positive;

- Maintain and increase the vitality of Dolphinholme village;
- Provision of the daily bus service would be welcomed by the elderly and teenagers.

1 letter neither objecting, or supporting the proposal has been received recommending that an air quality damage cost calculation is undertaken in support of the planning application.

5.2 A petition has been received containing **282 signatures** in opposition to the scheme.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
 Paragraph 32, 34 and 38 Access and Transport
 Paragraphs 49, 50 and 55 - Delivering Housing
 Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
 Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
 Paragraph 103 – Flooding
 Paragraphs 109, 115,117,118 – Conserving the Natural Environment
 Paragraphs 128-134 – Conserving and Enhancing the Historic Environment
 Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual ‘saved’ land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan’s preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft ‘Review’ document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the ‘Review’ will increase as the plan’s preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

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

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E3 – Development within and adjacent to the AONB

E4 – Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting listed buildings
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure
DM49 – Local Services

6.6 Strategic Policies and Land Allocations DPD (Consultation January 2017)

SC1 – Neighbourhood Planning Areas
H3 – Housing Development in Rural Areas

6.7 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- Planning Advice Note – Open Space Provision within New Residential Developments;
- Dolphinholme Neighbourhood Plan.

7.0 Comment and Analysis

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

- Principle of development;
- Landscape;
- Layout and Design;
- Highways;
- Drainage;
- Ecology;
- Trees and Hedgerows;
- Education Provision;
- Open Space; and
- Cultural Heritage Impacts.

7.1 Principle of development

7.1.1 The site is located on land outside of the main urban area and is identified as ‘Countryside Area’ in the adopted Local Plan. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District. Whilst not precluding development outside such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development.

- 7.1.2 Policy DM42 of the Development Management DPD seeks to promote wider opportunities for housing delivery within rural areas of the District, in accordance with the aims of national planning policy. Policy DM42 sets out a series of villages which the Council would, in principle, support proposals for new housing. Policy DM42 identifies Dolphinholme as a village where housing proposals would be supported in principle. Whilst the principle of housing development in Dolphinholme is accepted, there are a number of considerations which need to be given to any planning application before concluding that residential development in this location would represent sustainable development. In particular reference should be made to paragraph 20.22 of the Development Management DPD which states; “*The council will support proposals for new housing development that contain or have good access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education, health facilities and access to public transport and other valued community facilities. Proposals should demonstrate that they will have clear benefits to the local community and, in particular, will meet rural housing needs according to robust evidence (such as the Lancaster District Housing Needs Survey or other local housing needs survey)*”.
- 7.1.3 Given the site is identified as Countryside Area, Saved Policy E4 of the adopted Local Plan is relevant to this planning application. This requires proposals in the Countryside Area to be in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping; not result in an adverse effect on nature conservation or geological interests; and make satisfactory arrangements for access, servicing, cycle and car parking provision.
- 7.1.4 Notwithstanding the above, the Council is charged by Government (via national planning policy) with significantly boosting the supply of housing and this has been further supported by the Housing White Paper ‘*Fixing our broken housing market*’ of February 2017. This is supported by Policy DM41 of the Development Management DPD which states that residential development will be supported where it represents sustainable development. In supporting residential development the Policy states that proposals for new residential development should ensure that available land is used effectively taking into account the characteristics of different locations; be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion; and provide an appropriate mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.
- 7.1.5 It is fully acknowledged that the Local Authority cannot demonstrate a 5 year housing land supply, and Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPAs) should approve development proposals which accord with the development plan without delay, and that where a development plan is absent, silent or relevant policies are out-of-date the LPA should grant permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework [NPPF] taken as a whole; or
 - Specific policies in this Framework [NPPF] indicate development should be restricted.
- As a consequence there is a clear expectation that, unless material consideration imply otherwise, opportunities for housing delivery should be considered favourably.
- 7.1.6 Ellel Parish Council, along with Nether Wyresdale Parish Council have made an application to designate the Dolphinholme area as a Neighbourhood Plan area. Consultation on this area designation took place in late 2016 and the designation was approved on 2^h January 2017. The Neighbourhood Plan will seek to address the requirements for new housing in the village and securing appropriate locations to achieve such development. Many have cited concern that this application should not be determined until such time a Neighbourhood Plan has been adopted. Recent case law would suggest that for a Neighbourhood Plan to be considered in the decision making process it must have made significant progress towards completion being at the Referendum stage before any real weight can be attached to it. Clearly the Neighbourhood Plan in Dolphinholme is at a very early stage, and so little weight can be afforded to the community’s intention to prepare a Neighbourhood Plan, but nevertheless is still a material consideration.
- 7.1.7 Whilst the scheme is within the Countryside Area it is contained within the Council’s Strategic Housing Land Availability Assessment 2015 as a Strategic Site (SHLAA ref_130). It should be stressed that the application site occupies approximately 40% of the SHLAA allocation contained

within SHLAA_130. The wider allocation has the potential for 150 dwellings. The Strategic Sites are sites that could subject to further investigation, be potential contributors to the District's housing needs, but would require an overarching strategic approach in their delivery, to be considered under the Land Allocations process. At the present moment in time it is not possible to conclude on their deliverability and it is the role of the Neighbourhood Plan to shape development proposals within the village.

7.1.8 Policy DM42 of the Development Management DPD is especially relevant for this application and as noted above new development in Dolphinholme will be supported assuming the below criteria can be met:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment can accommodate the impacts of the expansion;
- Demonstrate good siting and design in order to conserve and where possible enhance the quality of the landscape; and,
- Consider all other relevant policies.

7.1.9 Dolphinholme is effectively split into two parts, Higher Dolphinholme and Lower Dolphinholme. The development is adjacent to residential properties along Brookside Drive and those that bound Abbeystead Road and therefore it is considered that the development has some form of geographical relationship to the existing built form of Higher Dolphinholme. Matters must then turn to whether the development proposed is appropriate in terms of scale and character.

7.1.10 With respect to its relationship to the village in terms of scale and character, the proposed development is a large extension to a village which has in the region of 140 houses. It cannot therefore be considered that the scheme can be seen to be proportionate to the scale and character of the settlement and there are no exceptional circumstances other than the provision of 40% of the units to be affordable units; the contribution to meeting the housing needs of the District; and the addition of the Village store (A1 unit) that weigh in support (albeit an existing store is available at The Fleece pub).

7.1.11 The provision of a village store is a minor strength of the submission and with it brings social and economic benefits. There is a small shop located within the Fleece Public House but this is quite divorced from the settlement (albeit a similar distance from some existing dwellings within the village as those properties are from the application site). Therefore a village-based facility would be of some benefit. Notwithstanding this, there is no evidence before Officers as to whether there is sufficient demand for a village store (which questions the viability). Nevertheless some weight has been attached to this element of the scheme. Some of the letters of support have noted that the provision of further housing would help support local business (such as car garages) and this is not in dispute, and it is accepted that social and economic benefits could occur should a scheme be supported.

7.1.12 As outlined in Paragraph 2.1 of this report the application is made in outline form and therefore layout, scale and appearance are not being considered as part of this application. Nevertheless the local planning authority needs to be convinced that the site has the potential to accommodate a scheme reflective of its rural surroundings and conserves and enhances the character and quality of the landscape. The applicant has submitted an indicative layout in support of the scheme to show how the site could be developed. Whilst layout is not being considered as part of this application there are concerns with the proposed layout in terms of the design proposed given the number of dwellings lends itself to creating a more suburban form of development and with this in mind the development as proposed would detract from the character and the quality of the landscape. Development in Dolphinholme is predominantly linear in arrangement, so the proposed cluster development is not reflective of the village's character and rural appearance.

7.1.13 The applicant is proposing 40% of the units to be affordable (equating to 20 properties), and this is afforded significant and substantial weight in the planning balance argument. Many of those who are in support of the scheme have made reference to wishing to move back to the village or to be closer to family. However, there is no evidence that Dolphinholme and its immediate environs has a demand for this many affordable units, especially given its remote location. Given current planning

legislation the Local Authority can only seek the provision of affordable homes (or financial contributions) on schemes of 10 or more dwellings (and less than 1000 square metres). Therefore a scheme such as the one proposed would allow vital affordable housing to be delivered which is why this is a significant benefit arising from the scheme. However there are some other substantial costs associated with the development, such as education and public transport contributions and a foul water pumping station, and therefore there are reservations that the full 40% affordable contribution can practicably (and viably) be delivered. Notwithstanding this, Officers consider that the development is contrary to Policy DM42 of the Development Management DPD, and Dolphinholme does not contain a wide range of local services to support a scheme of this comparative magnitude. It does have a primary school and a village hall, and has an outsourced post office visiting 2 mornings a week. 2 churches are located within the settlement and there is a (nearby) public house with shop included within it, but residents would be heavily reliant upon private cars for most facilities. Furthermore access to other nearby services such as in Galgate are made more problematic due to the use of the minor roads in the area, although it is accepted that National Cycle Route 6 is located 2km from the village and therefore it is possible to cycle to Lancaster (albeit more likely during the summer months).

7.2 Landscape

- 7.2.1 The applicant has submitted a Landscape and Visual Assessment (LVIA) in support of the application and helpfully have included some photomontages from selected viewpoints. The resulting conclusions of the assessment relating to landscape character show that whilst the sensitivity of the landscape here is high, the magnitude of change resulting from the proposal would be low adverse and the impact negligible adverse, and from a visual impact perspective the impact on neighbouring properties would be medium/low adverse and the overall significance would be moderate/minor adverse. With respect to views from the surrounding landscape and AONB, the overall significance would be negligible/minor beneficial.
- 7.2.2 Many residents are concerned regarding the landscape impact of the proposals and this view has been shared by the Forest of Bowland AONB Unit who are of the view that the development would have a detrimental impact on the landscape and special qualities of the AONB.
- 7.2.3 It should be noted that the site is approximately 1km from the Forest of Bowland AONB, and whilst the comments are fully noted from the AONB unit, (as there would be some impact on the AONB) it is not considered that this is likely to be significant in its own right to warrant a refusal of this scheme. The concern, however, is that this site is in a sensitive location and is an important gateway into and out of the AONB/Trough of Bowland and does share similar characteristics to those of the AONB. Notwithstanding this, the site is not within a protected landscape and therefore if land within the Forest of Bowland AONB is to be protected from development then sites with no landscape protection are those that are likely to be the focus of planning applications for development.
- 7.2.4 However, Officers do have concerns regarding the conclusions contained within the applicant's LVIA. It is considered that a development of this scale is not in keeping with the landscape character of the area and would have significant landscape effects (albeit localised). The change from grazing land to a suburban housing estate of this scale will bring about landscape impacts which would be difficult to mitigate (albeit acknowledging the scheme does apply for landscaping as part of the scheme which would offer some screening). It is the opinion of Officers that the development is not in scale and keeping with the existing landscape character and whilst issues associated with layout and external appearance could be determined at a later stage, there is no confidence that a scheme of this magnitude could be found acceptable in this particular location. Therefore the scheme fails to conform to Policies E4 of the Lancaster District Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD.

7.3 Layout and Design Issues

- 7.3.1 Officers have reservations regarding the layout that has been produced although fully understand this is illustrative for the purposes of this application and Members are to be only concerned at this point in time as to the principle of developing up to 49 dwellings and a retail store on this 3.3 hectares of land. There have been welcome improvements to the layout since the withdrawn application, with properties now facing Abbeystead Road and a Village Green incorporated into the scheme, but the scheme still feels suburban and not characteristic of Dolphinholme. In part this is due to the

considerable scale of the development compared to the existing settlement's size, and also in part due to the non-linear arrangement of the proposal.

7.4 Highways

7.4.1 The application is accompanied by a Transport Statement (TS) which examines the sustainability credentials of the application site, and the impact that the development may have on the local highway network. The report concludes that the site is not within the most accessible part of the District for non-car modes of transport, but concludes there are facilities nearby within walking distance and there are opportunities and facilities for prospective residents to cycle to nearby amenities. The TS has estimated that the development would generate around 42 two-way vehicle movements in the weekday morning peak period and 46 two-way movements in the weekday afternoon peak hour period, and considers this to be negligible and concludes that there are no highway reasons to refuse the scheme.

7.4.2 The County Council (with respect to application 16/00041/OUT) previously raised concern given the scale of the proposed development (for 68 dwellings) and the impact that this may have on Junction 33 of the M6, and in Galgate and South Lancaster. They also noted that many junctions operate at, or beyond capacity at certain times of the day. With respect to the previous TS, the County was concerned that there were serious deficiencies within it, such as the means of recording the vehicle speeds, and the outputs that had been used in the assessment which includes multi modal public transport to and from the site (even though there is no public transport provision). Whilst these concerns were raised previously the County Council have not raised this as a concern with respect to this application and their objection is based on sustainability arguments.

7.4.3 The County raises concern that the only facility that is nearby is Dolphinholme Primary School and therefore to get to other services, whether that be doctors, shops, or to work, the development will rely on private motorised trips leading to an over reliance on private cars. They consider that the proposal therefore cannot be described as sustainable development in line with the NPPF.

7.4.4 With respect to public transport the proposed development is not on a bus route, although the school services to Ripley St Thomas, Lancaster Grammar and Garstang High Schools do operate from within the village. Whilst there is a bus service, this is only for school use. However, the applicant has discussed with the County Council regarding extending the bus service for members of the public and during holidays which would equate to £12,500 per annum and this would be built into a Travel Plan. Through discussions with the County it is evident that this school service did previously operate during the school holidays, however was removed a few years ago when the passenger survey data showed that only students were using the bus and usage during holidays was virtually nil. Notwithstanding this, the provision is a benefit of the scheme and would enable the village to benefit from a service that currently only allows for school pupils to utilise. The concern however is that given bus services operate twice a day. This level of service may only suit a small proportion of commuter trips so the majority of potential users will not benefit. Given the previous service failed there are concerns that a similar situation would occur here.

7.4.5 With respect to walking or cycling, there is little in the way of quality footway links connecting the site to the wider area. However, it is possible to improve footpaths within the village (such as along Abbeystead Road and also addressing the pinch-point between Abbeystead Lane and Wagon Road). The provision of street lighting along Abbeystead Road could also promote more sustainable transport methods. Cycling has a significant part to play in reducing short car journeys but the location of the site does not promote cycling by virtue of a lack of continuous footways, unlit, poor carriageway alignment. Furthermore most of the local roads are bound by established hedgerows and are subject to the national speed limit. Whilst the more experienced cyclist may not be deterred by this, it does not promote a safe environment to cycle for the typical cyclist.

7.4.6 Officers share the County's view that the site is not in a sustainable location for a development of this scale, although accepts that accessibility is not the sole dimension or key to sustainable development (especially in rural areas). However, given the remoteness (albeit accepting that the village is noted as a Sustainable Rural Settlement) of the village it is not considered that given the scale of the development the scheme can represent sustainable development.

7.5 Drainage

7.5.1 Given the site is in excess of 1 hectare the proposal is accompanied by a Flood Risk Assessment (FRA). The applicant's hydrologist has assumed there would be approximately 5,000m² of impermeable surfacing provided on the site. Infiltration testing has not been undertaken and therefore it is unclear whether the ground will be suitable for soakaways. This is not uncommon on an outline application. Many of those objecting to the scheme have done so on the basis that surface water from the development site may lead to flooding elsewhere and that the stream that runs to the west of the site floods regularly. The site is not within Flood Zones 2 or 3 however there are elements of the site that do suffer from surface water flooding. Whilst the concerns are noted, the Lead Local Flood Authority have not objected to the development and have proposed a number of conditions to address how surface water could be managed on the site, and the information supplied to date would suggest that the site can be drained with SuDS (Sustainable Urban Drainage) principles in mind. It is considered that the proposal does conform to Policy DM39 of the Development Management DPD and therefore whilst the concerns of local residents are noted it is considered that the scheme can be drained and that flooding will not increase elsewhere in the event of the approval of this scheme.

7.5.2 There has been concern raised by the local community regarding foul water drainage, and the Environment Agency (EA) have not objected to the proposed development, nor have United Utilities, and whilst the applicant proposes to utilise a foul pumping station there is nothing before officers to conclude that the site cannot be drained of foul water. On balance therefore Officers are satisfied that with detailed design that the development would comply with the relevant policies within the Development Management DPD.

7.6 Ecology

7.6.1 The application is supported by an ecological appraisal of the site although this survey was undertaken outside of the ideal time for optimal survey conditions (December 2015). The survey was undertaken outside the survey season for water voles and therefore the results of the survey could be considered inconclusive. However, the indicative layout does not show any encroachment into the streamside habitat, and assuming mitigation measures are adopted it is considered that there would be no impact on water voles or their habitat should they utilise this watercourse.

7.6.2 Concern has been raised via the representations received in response to the scheme that the site supports birds such as Curlew and Lapwing. These concerns are fully noted as during the officer's site visits there have been a number of Lapwing utilising the site. Following further discussion with the Council's ecological advisors it is considered that the loss of the fields in isolation is unlikely to impact on wintering birds and therefore they raise no objection to the scheme and recommend the mitigation measures are undertaken in accordance with those recommended within the appraisal. Natural England also offer no objection to the scheme and therefore it is considered that the development complies with Policy DM27 of the Development Management DPD.

7.7 Trees and Hedgerows

7.7.1 There are a number of trees and hedgerows that bound the site and the application is supported by an Arboriculture Implications Assessment. There are a total of 18 individual trees within the site and 8 groups of trees together with 11 hedgerows. The applicant proposes to remove c240 metres of hedgerow and an oak tree has been identified for removal given its poor overall condition. However, no other trees have been identified for removal. The Tree Protection Officer has no objection to loss of the proposed hedgerows and trees on the site and raises no objection subject to planning conditions.

7.7.2 The hedgerow that is proposed to be lost to create the required visibility splay notably to the east of the site towards Abbeystead does raise concerns as there would be a swathe of land (to the east of the access) which would need to be grassed and this is considered to be a significant weakness of the scheme as it does urbanise the rural grain of the village.

7.8 Education Provision

7.8.1 A justified concern amongst many of those that have made representations is whether there is sufficient education provision within the local area. On such matters the local planning authority always takes the advice of the County Council, who act as the education authority for the District. They recommend that there would be a need for 11 additional primary school places to be provided

at Dolphinholme Church of England School which equates to a financial contribution of £148,219.53. The County has stated that there is a need for 5 secondary school places which equates to £101,517.95. Assuming the applicant would be amenable to entering into a Section 106 agreement to secure the provision of these monies to be put towards education places, it is considered that the development would meet the requirements of Policy DM48 of the Development Management DPD.

7.9 Open Space Provision

7.9.1 Whilst the layout is indicative, the applicant's original submission contained pockets of open space across the site which also acted as surface water attenuation lagoons. However, now a village green has been proposed. There is appropriate open space which has been provided and in any event could be controlled by planning condition should Members seek to approve the scheme. Given the scale of the development, an on-site play area would be required.

7.9.2 In addition a financial contribution of £94,849 has been requested by the Public Realm Officer and the rationale is to fund improvements to the bowling green or tennis courts (£54,081); the upgrading of the kickabout area in the village/outdoor facilities at the village hall location (£25,480); together with a financial contribution towards making a positive contribution to the village hall and/or allotments (£15,288). Planning obligations can only be sought where they are considered necessary to make developments acceptable, directly related to the development, and fair and reasonably related in scale and kind to the development that is being proposed. The application is made in outline form, and therefore whilst officers believe that a financial contribution could go towards the likes of upgrading the kickabout area in the village, it would not be considered reasonable to require a contribution towards the bowling green and tennis courts given there are no firm plans at present to undertake improvement works. Notwithstanding the above, should Members determine to approve the scheme it is recommended that a financial contribution towards the upgrading of facilities within the Parish is secured by means of legal agreement with the amount to be calculated at the Reserved Matters stage when the number and size of the dwellings are known.

7.10 Cultural Heritage

7.10.1 The proposed development is approximately 150 metres to the south of Lower Starbank Farm which is a Grade II Listed building. Given the distance, and subject to appropriate design it is not considered that the setting will be unduly harmed. The Council's Conservation Officer raises no objection and it is considered that the scheme complies with Policy DM32 of the DM DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990. It is considered that the setting of the heritage asset would be preserved on the basis of a scheme to be assessed at the Reserved Matters stage. No response has been received from the Lancashire Archaeological Advisory Service and therefore in the absence of advice to the contrary, it is assumed that the site does not have the potential to contain any buried archaeology that would need to be preserved in situ.

8.0 Planning Obligations

8.1 If Members were minded to approve the scheme contrary to the recommendation, it is recommended that the following should be sought by way of legal agreement;

- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs and viability);
- Education contribution of £249,737.48 for primary school and secondary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution to be re-assessed at the Reserved Matters stage.
- Long term maintenance of open space, drainage and highways.
- Travel Plan (and associated contributions towards bus service provision).

These requirements are considered to meet the tests set out in Paragraph 204 of the NPPF. Given the scheme there would be a need for a number of works that would be undertaken under Section 278 of the Highways Act. These works could be conditioned.

9.0 Conclusions

- 9.1 The scheme does present significant benefits such as the important provision of affordable housing, delivery of market homes, and increasing the population of the village could go some way to assist in supporting and maintaining the village's current services. Notwithstanding this it is considered that due to the scale of the proposed development relative to the size of Dolphinholme, it is felt that the proposal is disproportionate to the existing scale and character of the village, and as a consequence the development would have an unacceptable landscape impact. Officers and the Highways Authority share the view that a development of this scale in the village cannot represent sustainable development, as the village has no bus service provision other than the school service (albeit the local planning authority welcomes attempts to enable the local population to utilise this), and travelling by other means of sustainable transport methods such as walking and cycling is difficult and unsafe due to the make-up of the local roads.
- 9.2 Overall, for the reasons above it is considered that the development is not sustainable development and therefore the presumption in favour of sustainable development does not apply in this case, and it is recommended to Members that despite the positives associated with the scheme such as the delivery of affordable homes and the provision of a village store (though the village does have an existing store at The Fleece pub so the benefit is minimal), on balance the harm caused by the development outweighs the benefits.

Recommendation

That Outline Planning Permission **BE REFUSED** for the following reasons:

1. The development is not well related to the existing scale and character of Dolphinholme, and is considered to have a detrimental impact on the character and quality of the landscape; the intrinsic character of the rural landscape and settlement would be lost. The development therefore is not seen as a sustainable or suitable extension to the village, and thus fails to adhere to Policies DM28, DM35, DM41, and DM42 of the Development Management DPD, saved Policy E4 of the Lancaster District Local Plan, Policy SC1 of the Lancaster Core Strategy and Paragraphs 7 and 14 of the National Planning Policy Framework.
2. The proposed development by virtue of its location and access to services renders the site unattractive to walk and travel by other sustainable means of transport between workplaces, shops, schools, health care centres, recreation, leisure and community facilities and therefore it is not considered the proposal represents sustainable development and fails to conform to Policy SC1 of the Lancaster Core Strategy, Policies DM20, DM21, DM28, DM35 and DM42 of the Development Management DPD, and Paragraphs 7 and 14 of the National Planning Policy Framework.

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

In accordance with the above legislation, the City Council can confirm the following: Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

Background Papers

None