

Agenda Item A11	Committee Date 29 June 2015	Application Number 14/01280/FUL
Application Site Land At Fenham Carr Lane/Wyresdale Road Lancaster Lancashire	Proposal Erection of 31 dwellings with associated access	
Name of Applicant Wainhomes North West Limited	Name of Agent Mr Tony McAteer	
Decision Target Date 1 July 2015	Reason For Delay None	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 This application relates to an area of undeveloped land located on the eastern edge of Lancaster, approximately 1 hectare in area. It bounds both Wyresdale Road and Fenham Carr Lane, the latter being privately maintained. The boundaries with both highways comprise stone walls, with post and wire fences along the northern and eastern boundaries. The land slopes gradually downwards away from Fenham Carr Lane, to the east, towards an open watercourse adjacent to the eastern boundary. There is an existing gated access into the field from Fenham Carr Lane.
- 1.2 To the north west of the site is Williamson Park which is a Registered Park and Garden and provides the setting for the Grade I Listed Ashton Memorial. The part of the Park closest to the site is wooded and slopes upwards away from the road and marks the boundary of the Williamson Park Conservation Area. The field adjoining the north east boundary of the site is designated as a Biological Heritage Site. On the opposite side of the road to this, close to the northern corner of the site, is a row of four detached dwellings fronting onto Fenham Carr Lane. To the east of the site are fields which rise gradually from the site boundary, with a farm complex located approximately 250 metres from the site boundary. To the south, on the opposite side of Wyresdale Road in an auction mart and abattoir.
- 1.3 Most of the site is within a Mineral Safeguarding Area and the area adjacent to the watercourse is identified as being at a high risk of surface water flooding. The site is identified as Key Urban Landscape and a Woodland opportunity Area, along with the adjacent fields to the north and east up to the line of the M6 motorway. A public sewer crosses the whole length of the site towards the eastern boundary.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of 31 dwellings with the creation of a new access from Fenham Car Lane. 8 of the dwellings are proposed to front onto this road with the remainder arranged around a new internal access road. All of the open-market dwellings are proposed to be detached, with two rows of terraced properties in the north east corner of the site proposed as the affordable units. In total, there are 6 five bed, 16 four bed, 4 three bed and 5 two bed dwellings

proposed. All dwellings will be two-storey, with some larger units having accommodation in the roof space, and will be finished in brick & render with tiled roofs and white UPVC windows, fascias and gutters. All of the open market dwellings will have their own off street parking to the front, and the affordable units will have a shared parking area. No public amenity space is proposed within the site.

3.0 Site History

3.1 There is limited planning history on the site, the only application being for a similar development which was never made valid.

Application Number	Proposal	Decision
13/01193/FUL	Erection of 31 dwellings and associated infrastructure	Invalid

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	Standard land contamination conditions are requested; a condition requiring the glazing/ventilation specification to mitigate traffic noise. Some air quality mitigation should be applied. The odour assessment however is insufficient and object on the grounds of the potential odour impact from nearby uses.
Tree Protection Officer	No objection subject to conditions requiring submission of: a Tree Protection Plan; landscaping scheme with 10 year maintenance; and Arboricultural Method Statement. It would be beneficial in terms of public amenity value and wildlife value to incorporate an element of public open space with appropriate green infrastructure into the design.
Engineers	Will need significant amendments for it to be acceptable from a flood risk perspective because part of the site is currently the flood plain for the watercourse and at significant risk of flooding; existing flood capacity will be lost increasing flood risk elsewhere, including to the site; development is proposed to take place right up to the top of bank of the watercourse; the existing drainage regime will not be mimicked; flood risk from the watercourse including that arising from the culvert immediately downstream from the site has not be sufficiently considered; and habitat and maintenance in and of the watercourse has not been accounted for sufficiently.
Conservation	Object. The development would cause harm to the setting of the Ashton Memorial and Williamson Park, and would have a negative visual impact on their significance contrary to Policy DM32 of the DM DPD. The public benefits of providing 31 new houses would not outweigh the loss of the attractive setting of the Ashton Memorial and Williamson Park. The design, form, materials, layout and boundary treatments are unacceptable and inappropriate for use on such a sensitive and prominent site.
Public Realm Officer	Comments - An appropriate level of amenity space should be provided on-site. Off-site contributions to improve facilities for young people within Williamson Park and to cater for increased demand on the park would equate to £8022. There should be good, safe access from the development to Williamson Park.
County Highways	No objection in principle. Design accords with principles of "Manual for Streets". Proposed lengths of footway/carriageway within the development could not be adopted under Highways Act as accessed from a privately-maintained road. Parking provision is considered less than adequate for the anticipated level of use. A development of this scale will lead to an increased frequency of pedestrian/vehicular movements along Fenham Carr Lane and Wyresdale Road. Recommends: a linked pedestrian point of access via the sites frontage onto Wyresdale Road; a safe and appropriate means of pedestrian / vehicular access / egress to Fenham Carr Lane from properties with frontage to the same; improved pedestrian access from within the site as a whole through a slight extension of internal site footways; and creation and protection of a requisite view line envelope extending to 2.4 x 43 metres.
County Council Minerals Planning	No objection. However, may wish to consider the opportunity that any waste stone produced as a result of groundworks may contribute or enhance the local vernacular.
County Planning (Education)	The application has been assessed by the Education team, and has not resulted in a request for a planning contribution.

Lead Local Flood Authority	No comments received - To be reported verbally.
County Archaeology	Comments - Any surviving archaeological features or finds of this period would be considered to be at least of regional significance, whilst human remains and any associated settlement could, depending on their state of preservation, be considered to be of national significance, recommend that a pre-determination archaeological field evaluation is undertaken. This would enable the nature, extent and significance of any archaeological deposits on the site to be determined and an appropriate mitigation strategy to be formulated if necessary.
Greater Manchester Ecology Unit	No overall objections , however some form of mitigation and/or compensation should be sought for the loss of the plant diversity on the site. Suggestions include – <ul style="list-style-type: none"> • Reducing house numbers to allow for an area to be set aside for grassland management. • Seeking a contribution for positive management of the adjacent BHS (e.g. knotweed control). • Seeking a contribution towards positive grassland management in other parts of the City. Other recommendations – <ul style="list-style-type: none"> • Robust fencing erected and maintained between the site and the BHS. • Measures to prevent the disturbance of Japanese knotweed stands growing on adjacent land. • The adjacent watercourse should be protected from possible pollution. • Groundworks commence outside bird nesting season (March to July inclusive).
Natural England	No objection in relation to statutory nature conservation sites.
Historic England	Object. The development of housing on the land directly to the east of the Grade II registered Williamson Park would be very harmful to the setting of the Grade I listed Ashton Memorial and set a precedent for the development of land between Williamson Park and the M6, which would be difficult to resist and cause further harm.
Environment Agency	No objection subject to a conditions requiring: mitigation set out in the flood risk assessment - limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm and finished floor levels set 1500mm above finished ground level; and submission of surface water drainage scheme.
United Utilities	Comments - A public sewer crosses this site and will not permit building over it. Require an access strip width of six metres, three metres either side of the centre line of the sewer, therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. Request condition requiring submission of a scheme for the disposal of foul and surface water.
Lancaster Civic Society	Object. The layout and design of individual houses is unimaginative, the existing Standen Park development should be adopted as a benchmark, the density is too great, there is a lack of open space for a play area and there is a lack of clarity about the building materials proposed. Further thought should be given to the overall design and layout and to the suitability of the site for housing development as opposed to retaining it as open space wetland.
Lancashire Constabulary	Comments - In order to reduce the risk of crime affecting the residents, visitors and local community, recommend: more appropriate boundary treatments; doors and windows to an adequate security standard if not protected by adequate boundary treatments; access into alleys restricted by a 1.8metres gate; garages to not have windows; and external doors to have low energy dusk to dawn lighting.

5.0 Neighbour Representations

5.1 4 pieces of correspondence have been received raising an objection to the scheme with the following concerns:

- Increase in vehicle movements on to Fenham Carr Lane/Wyresdale Road
- Access is from a privately maintained road; issues over maintenance
- Density and layout
- Lack of appropriate recreation space within the site
- Insufficient parking
- Loss of the existing wall along almost the full length of Fenham Carr Lane
- Contrary to Local Development Plan

- Impact of Building Works on residential amenity
- Japanese knotweed along boundary
- Inaccuracies in submission

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Paragraph 32 – Access and Transport
 Paragraphs 49 and 50 - Delivering Housing
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraphs 100 – 103 – Flooding
 Paragraphs 109 – Valued landscapes
 Paragraph 118 – Conserving and Enhancing Biodiversity
 Paragraphs 120 -125 – Pollution and Contaminated Land
 Paragraphs 128, 131 – 134 and 137 – Designated Heritage Assets
 Paragraph 173 – Ensuring viability and deliverability

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC2 – Urban Concentration
 SC4 – Meeting Housing Requirements
 SC5 – Achieving Quality in Design
 SC6 – Crime and Safety

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

E27 – Woodland Opportunity Area
 E31 – Key Urban Landscape

6.4 Development Management Development Plan Document (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages
 DM25 – Green Infrastructure
 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
 DM31 – Development Affecting Conservation Areas
 DM32 – The Setting of Designated Heritage Assets
 DM34 – Archaeological Features and Scheduled Monuments
 DM35 – Key Design Principles
 DM38 – Development and Flood Risk
 DM39 – Surface Water Run-Off and Sustainable Drainage
 DM41 – New Residential dwellings

6.5 Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan

M2 – Safeguarding Minerals

6.6 Other Material Considerations

- Meeting Housing Needs Supplementary Planning Document
- Landscape Assessment of Emerging Site Options (Woolerton Dodwell, November 2012)
- Review of Key Urban Landscape Allocations in Lancaster District (Woolerton Dodwell, November 2012).
- Landscape Strategy for Lancashire 2000

7.0 Comment and Analysis

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

- Principle of Development
- Landscape and Visual Impact
- Impact on Heritage Assets
- Scale, Layout and Design
- Access and highway impacts
- Residential Amenity
- Ecological Impacts
- Flooding and drainage
- Affordable Housing
- Open Space provision
- United Utilities Infrastructure

7.2 Principle of Development

7.2.1 The site is located on the edge of Lancaster on land allocated as Key Urban Landscape and a Woodland Opportunity Area on the adopted Local Plan Proposals Map. The Key Urban Landscape designation recognises that identified areas perform an important role in defining the character of the district with many of the landscapes providing the setting for significant areas and features and together contribute and define the character of the district's urban area. Key Urban Landscapes are protected under DM DPD Policy DM28 'Development and Landscape Impact'. This states that such areas will be conserved and important natural features safeguarded. The policy goes on to state that within these areas the council will only support development that preserves the open nature of the area and the character of its surroundings. The development relates to the erection of 31 dwellings and as such would impact on the open nature of the area and the character and appearance of its surroundings contrary to the purpose of the designation.

7.2.2 Saved Local Plan Policy E27, in relation to Woodland Opportunity Areas is also relevant. This states that within identified areas the Council will seek to establish new areas of woodland allowing where practical for public access and the protection and enhancement of nature conservation interests. It goes on to state that development which would prejudice the establishment of new woodland areas will not be permitted. This policy is supplemented by DM DPD Policy DM29 'Protection of Trees, Hedgerows and Woodlands'.

7.2.3 The Council is continuing to progress preparation of its Land Allocations DPD which raises a number of considerations relevant to this application. Preferred Options were approved for consultation by Full Council in September 2012. This was prepared in the context of the adopted policy position of urban concentration described in the Core Strategy. The document recognised that the ability of the Council to deliver its housing needs was challenged by the economic climate at the time impacting on the viability and delivery of brownfield sites in the district. In view of this, the council proposed the allocation of three Greenfield sites on the edge of the urban area. Land at Grab Lane, immediately to the east of the application site, was included as one of the three greenfield sites.

7.2.4 Importantly the application site is not part of this allocation site put forward. This was intentionally left, along with the adjacent BHS, to provide an undeveloped buffer between Ashton Memorial and the proposed Grab Lane allocation. The buffer recognised the ecological and heritage value of this area as well as drainage constraints. With mounting pressure to progress preparation of its Preferred Options document, it was published in advance of the completion of some elements of the evidence base, with a number of significant studies still being developed. The intention here was to make rapid progress on the plan and take account of the findings of the completed evidence base when refining the draft document. Of relevance to this application is the Woolerton Dodwell 'Review of Key Urban Landscape Allocations in Lancaster District' Study (November, 2012). This study was commissioned by the Council to assess the continued appropriateness of the Key Urban Landscape designation. It concluded that Key Urban Landscapes continued to perform an important role in defining the character of the district. In relation to this site the study recognises that the area is within the setting of Ashton Memorial and Williamsons Park, and the Conservation Area, and concludes that the open character, variations in landform, the textures of Fenham Carr woodland and the historic pattern of walls within the area combine to confer intrinsic scenic quality which is significantly enhanced in some views by the backdrop provided by the wooded ridge within Williamsons Park and

the iconic Ashton Memorial. The role of the area in providing a 'naturalistic part' of the setting to the Ashton Memorial is noted to be rare.

- 7.2.5 In addition to the above landscape work the council also commissioned further landscape assessments for the three greenfield extension sites being proposed. The Grab Lane assessment looked at only the proposed allocation and did not include this application site. The study noted that the area makes a special contribution to the setting of the urban area and Ashton Memorial. It notes that unlike in other parts of the setting, it provides unrivalled opportunities to view and experience the Grade I Listed Building within a largely undeveloped context that appears to have changed little over time. The study goes on to state how the simple, 'natural' qualities of woodland and farmland within the site and beyond contrast with and complement the ornate dome constructed on the Memorial. Views of the Memorial are noted to be important because they feature a heritage asset of 'exceptional interest' and because they are experienced by relatively large numbers of people, including those passing Lancaster on the M6 motorway. The study concludes that the valley floor farmland and the rolling drumlin farmland are both considered to be highly sensitive to changes in their existing open character. This is because they both contribute to an area of farmland that provides an undeveloped open setting to the nationally important Ashton Memorial, to other important heritage assets, and to urban development in the eastern part of Lancaster that are valued highly in a national and local context. The study goes on to report that the development of the Grab Lane site for housing would result in unavoidably fundamental changes in existing open character and in some existing views and would compromise at least partially the reasons why value is attached to the site through its designation as a Key Urban Landscape. It goes on to highlight potential mitigation measures. This includes the establishment of undeveloped buffer zones of land located within views towards Ashton Memorial or where the visual exposure of land and/or steepness of landform is judged to be sensitive to the effects of housing development.
- 7.2.6 Since 2012 the Council has continued to investigate opportunities for new housing development in the district. The review of the Core Strategy has meant that this assessment is no longer restricted by the policy of urban concentration with the Council now able to investigate alternative sources of supply, with potential for environmentally preferable alternative sites being identified. As identified above the context of the 2012 Preferred Options document has changed. New evidence together with a review of the spatial strategy mean that sites which were previously indicated for development may no longer be preferable when considered against environmental preferable alternatives. This work is ongoing. It should be noted that this site has been assessed as being undeliverable in the council's SHLAA and has not been included as part of the council's anticipated future housing land supply. In view of these developments, it is considered that very little weight can be afforded to the 2012 Preferred Options Land Allocations document.
- 7.2.7 The most recent housing land supply and delivery position for the district is described in the 2014 Housing Land Monitoring Report and accompanying Housing Land Supply Statement 2014. This identifies a five year supply position of 3.2 years against its adopted housing requirement of 400 dwellings per annum. The NPPF introduces a requirement for local planning authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Within Lancaster it is apparent that even in consideration of all sources of housing supply, in the context of the current policy of urban concentration, it may be the case that sufficient development may not come forward within the next 5 year period to fully satisfy delivery of its full 5 year housing requirement. In such circumstances the NPPF states that the district's policies relating to the supply of housing may be considered to be out-of-date.
- 7.2.8 Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. For decision making this means granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF; or
 - Specific policies in the NPPF indicate development should be restricted.

As a consequence there is a clear expectation that unless material considerations imply otherwise, sites that offer opportunity to deliver housing should be considered favourably. However, on the

basis of the above, it is still considered that the principle of the development on this site remains contrary to the adopted Development Plan and the council's emerging evidence base. Other material considerations are set out below.

7.3 Landscape and Visual Impact

- 7.3.1 The site is located within an area designated as Key Urban Landscape and the proposed development conflicts with designation. The landscape impact and relevant studies are discussed above in some detail. It is considered that the site forms an important part of an open and gently undulating landscape which extends up to the motorway corridor. The Landscape Character of this area is identified as Drumlin Field, sub-type 13c Docker-Kellet-Lancaster. This drumlin field has a distinctive north-east, south-west grain and runs from the edge of Lancaster northwards into Cumbria. The area is underlain by limestone and is distinguished by large scale undulating hills of pasture, some formed from glacial till and others which are outcrops of limestone, or reef knolls. The smooth rolling scenery is emphasised by the network of stone walls. Woodlands are often associated with designed landscapes and built development takes advantage of views from the hill tops, for example the Ashton Memorial on the edge of Lancaster which sits atop a drumlin and is a landmark for miles around. The drumlins create a setting for the City of Lancaster and its university.
- 7.3.2 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. Within this it sets out that the site to the east of the site is allocated for housing, however as set out above, this is not the case. It does however set out that the development will change the character of the area, with a loss of open, rural land. The report goes on to say that the site is prominent when viewed from the east and its development is likely to have an effect on the public perception of the landscape character. Given the open nature of the site and adjoining fields, it is considered that the proposal will be detrimental to the character and appearance of the landscape. The proximity to the nearby heritage assets is also of relevance and will be discussed separately below.

7.4 Impact on Heritage Assets

- 7.4.1 The site is located in close proximity to Williamson Park which is a Grade II Registered Park and Garden and provides the setting for the Ashton Memorial which is Grade I Listed. It is also covered by a Conservation Area. The NPPF underlines the importance of sustaining and enhancing the significance of heritage assets, and acknowledges the importance of their settings. The importance of a setting lies in what it contributes to the significance of a heritage asset. Whilst the immediate setting of the Ashton Memorial is provided by Williamson Park, the Memorial itself was clearly designed to be highly visible and, given its location on an elevated site, makes it a landmark for the surrounding area. Its wider setting is therefore no less important.
- 7.4.2 It is accepted that the proposed scheme would not impact upon views *from* Williamson Park or the Ashton Memorial. However, it is considered that the scheme would cause harm *to* views of the Memorial and Park experienced from the east of Lancaster. The open fields and farmland at the foot of the wooded hill provide an attractive foreground and contrast to the Park and, as Marion Barter (Architectural History Practice) states in the Grab Lane Setting Study (commissioned by Lancaster City Council in 2012). This setting emphasises the Memorial's height, status and heritage value. *"The valley floor's fields provide a foil or contrast to the wooded hill of the Park and are a key part of the setting for the Memorial, particularly in views from the east. The fields have an open, quiet, rural character, used for farming for grazing horses. They are not public access land, but are edged by roads which provide public access and opportunities for viewing the park and Ashton Memorial. The fields also provide the countryside setting on the edge of the city."* (p.16, January 2013).
- 7.4.3 Described in the most recent edition of the *Lancashire:North* Pevsner as *"an eyecatcher extraordinaire which can be seen from all around, as much as part of the character of the city as its castle"* (p.412, 2009). The Ashton Memorial's biggest audience can found on the M6, passing Lancaster. The proposal site is highly visible from this vantage point, as is the boundary wall to the park at the foot of the wooded slope which appears to envelop the trees within the Park and provides an attractive seam to the open fields. The development of the site in question would result in the loss of this view. This undeveloped area provides a break from the built development to its south and north, as experienced from the M6. However, the existing housing developments should not be seen to set a precedent. As Historic England's *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets* states, *"Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF*

policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting..." (p.4, March 2015). A similar view, though more elevated, can be found on Newlands Road, a popular local route, which runs broadly parallel with the M6.

7.4.4 Wyresdale Road is a significant local route from the Trough of Bowland into Lancaster. The views of the Park and Memorial in the context of the development site are transient here, due to the variations in landform, and they also change with the seasons. Where, from certain vantage points the trees found on either side of Grab Lane, near the Wyresdale Road junction, can be seen to provide some 'screening', they clearly do not during the winter months when the site is highly visible. The impact of this proposal on the setting of these heritage assets clearly needs to be considered in isolation in this instance since it would be presumptuous to assume that the Grab Lane site will be developed. However, it has been considered together with the Grab Lane allocation in Marion Barter's 2013 study, in terms of the cumulative impact. This study concluded that, "*Building houses on the fields west of Grab Lane will damage this setting and permanently take away the fields' role as a neutral visual foil to the wooded east slopes of the park, the setting of the grade I Ashton Memorial. The Park would be seen over a foreground of housing development...New lighting on the development will affect views across the site after dark, which could affect the visual impact of floodlighting the Memorial.*" (p.31, Jan. 2013).

7.4.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 states that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA... shall have special regard to the desirability or preserving the building or its setting...*" (Section 66). Paragraph 132 of the NPPF states that, "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...*". It is considered that the proposed development would cause harm to the setting of the Ashton Memorial and Williamson Park, and therefore would have a negative visual impact on their significance. As such it is contrary to Policy DM32 of the adopted Development Management DPD. It is not considered that the public benefits of providing 31 new houses would outweigh the loss of the attractive setting of the Ashton Memorial and Williamson Park. The response from Historic England shares this view.

7.4.6 An Archaeological Desk-based Assessment has been submitted. County Archaeology confirms the potential for prehistoric human activity dating to the Bronze Age, and has recommended that the site be the subject of further assessment in the form of an archaeological field evaluation by means of the excavation of a number of archaeological trial trenches. The Archaeology Service have recommended a pre-determination archaeological field evaluation of the proposed development site to enable the nature, extent and significance of any archaeological deposits to be determined and an appropriate mitigation strategy to be formulated if necessary. Such mitigation might range from preservation in situ, and could result in a recommendation for refusal of planning permission, to detailed open-area excavation or a less formal archaeological presence during construction. The proposal currently fails to identify the extent and nature of ecological deposits so that any impacts can be fully assessed and mitigated if necessary. The proposal therefore fails to comply with paragraph 128 of the NPPF and Policy DM34 of the Development Management DPD.

7.5 Scale, Layout and Design

7.5.1 Policies DM35 'Key Design Principles', Policy DM36 'Sustainable Design' and Policy DM41 'New Residential Development' of the DM DPD seek to ensure that development is as sustainable as possible and that new development makes a positive contribution to the surrounding landscape and townscape of the area. The scheme proposes the development of 31 dwellings on a site with an area of approximately 1 hectare. It will be predominantly detached dwellings, with the exception of two rows of terraced properties to the north east of the site. All the properties will have car parking spaces to the front with no ability to park a vehicle at the side (with the exception of two properties). This will result in a very car-dominated layout limiting the amount landscaping that can be provided to the front of dwellings. In addition, no public open space has been proposed which contributes to the poor layout and overall design of the scheme.

7.5.2 In addition to the above, there are significant concerns regarding the design of the dwellings, which are the developer's standard house type. It is not considered that there take into account the local

characteristics and distinctiveness of the area and the sensitive location of the site adjacent to a Conservation Area, registered Park and Garden and setting to a Grade I Listed building. There is also some contradiction between the submitted site plan and elevation plan. The former sets out that the dwellings will be finished in brick and render while the latter states brick or artstone detail. The proposal also removes the majority of the boundary wall adjacent to Fenham Carr Lane which will have a significant impact on the character and appearance of the site. Other boundaries are proposed to be post and wire fences which are also not considered to be appropriate. It is considered that the design, form, materials, layout, boundary treatments and lack of open space are unacceptable and inappropriate for use on such a sensitive and prominent site.

7.5.3 Some concerns have also been raised by the Lancashire Constabulary with regards to crime in the area and measures that could be taken to reduce the risks to future occupiers. This mainly relates to boundary treatments, the positioning of windows and access to alleys which could be dealt with by way of condition.

7.6 Access and Highway Impacts

7.6.1 The Highways Officer has raised no objections in principle but has raised some concerns. Fenham Carr Lane is a privately maintained road and as such the Highways authority would not adopt the internal access road. They have advised that there should be an emphasis on careful driving at low speeds through the use of appropriate traffic calming measures and use of alternative surfacing materials incorporating visually and physically contrasting construction measures into the overall carriageway surface treatment. The main concern relates to the level of parking provision which is considered to be less than adequate for the sites anticipated level of use. However, the impact of this is most likely to be felt on Fenham Carr Lane, with little or no significant bearing on the surrounding public highway network.

7.6.2 The Highways Authority recommend that a linked pedestrian point of access is considered via the site's frontage onto Wyresdale Road such that individuals living on the site could have improved access to existing bus stop facilities and the wider public transport network as a whole. It has also been advised that there is an overall reduction in boundary walling along Fenham Carr Lane to provide unimpeded forward visibility when egressing any of the afore-mentioned properties. Improved pedestrian access from within the site as a whole could be achieved through a slight extension of internal site footways, particularly at the sites junction with Fenham Carr Lane such as to allow the creation of a safe and appropriate pedestrian drop crossing point prior crossing onto an existing length of Fenham Carr Lane northerly pedestrian footway. Visibility splays of 2.4 x 43m have also been requested. Subject to these aspects being taken into account, no objections have been raised. Despite this, the level of parking provision will also enhance the car dominated aspect of the scheme, with vehicles parked on roads within and adjacent to site.

7.6.3 Given the cumulative nature of air quality impacts, Environmental Health have recommended some mitigation to include: facilities for cycle storage and path infrastructure to support cycling; incorporation of charging points for electric vehicles at each dwelling; installation of very low NOx gas boilers, and operation of a low emission vehicle car club. The site is not located within or adjacent to the Lancaster Air Quality Management Area (AQMA). Given the scale of development and distance from an AQMA it would be difficult to substantiate mitigation in this instance.

6.7 Residential amenity

6.7.1 The nearest neighbouring residential property is located on the opposite site of Fenham Carr Lane, approximately 23m between the nearest existing and proposed dwelling. As such it is not considered that there will be an adverse impact on the amenities of the nearby residential dwellings.

6.7.2 A Noise Assessment has been submitted with the application and concludes that noise associated with road traffic can be adequately mitigated for all plots upgraded thermal glazing together with a trickle vent which should be combined with mechanical Extract Ventilation or Passive Extract Ventilation. This could be controlled by condition.

6.7.3 The site is located in close proximity to the Auction Mart and the abattoir. In terms of the odour assessment, the submitted survey consisted of only two observations in August and September 2014. Environmental Health has advised that this is considered insufficient to establish whether there is an odour issue or not. Also the times did not represent any of the mores active periods for

the abattoir or significantly odorous events (blood/animal waste removal). It is acknowledged that it is difficult to survey this type of odour source given that odours are both dependant on environmental/weather conditions and also by their nature can be intermittent. It is however considered that the survey undertaken does not adequately address/resolve the indication given by the ongoing complaint history that odour from the surrounding uses may be a nuisance issue for future occupiers. There is therefore a potential odour impact on future occupiers of the proposed development, from nearby uses that has not been fully assessed in the submission.

6.8 Ecological Impacts

- 6.8.1 The application site lies adjacent to the Lancaster Moor Hospital Grassland Biological Heritage Site (BHS). There is a simple post and wire stock fence separating the site from the BHS, with sheep grazing the application site. The BHS is designated for its high floristic diversity, resulting in part from previous land uses which have resulted in varying substrates. The site shares many plant species with the BHS, albeit in some cases in lower densities, but the BHS is apparently not grazed and therefore shows a more advanced stage of succession from grassland to scrub, with more dominant tall herbs, bramble and scrub. The application site appears to have variable substrate, ranging from semi-improved neutral grassland to wet grassland to more calcareous grassland in a patchy habitat mosaic. There is a small brook running alongside one boundary with wet grassland at the margins. This diversity of substrate has led to the development of a relatively diverse plant community. The stone walls forming the boundary of the site on two sides also support a diverse range of plants, including ivy-leaved toadflax, maidenhair spleenwort, wall rue and wall speedwell. The site has greater plant diversity than other nearby agricultural fields and the Council's ecology consultant therefore considers it to have at least local (site-based) nature conservation value. The site supports breeding Garden Tiger Moth, a priority species for conservation in the UK. The stone walls forming part of the site boundaries have some local landscape character and will also have some habitat value as refuges for invertebrates, small mammals and possibly nesting birds.
- 6.8.2 The development will not cause any direct land-take of the BHS, will not lead to changes in substrates or hydrology of the BHS and will not cause any shading. Although there is a small possibility of the development causing indirect pressures on the BHS resulting from unauthorised access and/or garden waste tipping, in practice these impacts can be avoided by ensuring that the BHS is properly fenced from. The current condition of the BHS and the proximity of the Park will reduce the possibility of people using the BHS as either 'active' or 'passive' open space. Therefore it is not considered that the development will have any harmful impact on the special interest of the BHS.
- 6.8.3 The whole of the site is proposed for development and, as such, much of the current plant diversity will be lost. No compensatory habitat management or planting appears to have been proposed, although some of the stone walls at the site boundaries will be retained. The Garden Tiger Moth is a species in decline but which remains widespread. However, the species readily makes use of gardens and the adjacent BHS and the Park support good habitat for the species and therefore it is not considered that there needs to be specific mitigation for this species. The site may have some value for foraging bats, although given the extent of alternative excellent bat feeding habitat close to the site, not least the mature woodland in the Park and the adjacent BHS, it is not considered that the loss of the area of open grassland will have any significant impact on local bat populations. Extensive stands of Japanese knotweed are present on the adjacent BHS grassland. Under the terms of the Wildlife and Countryside Act 1981 it is an offence to cause this plant to spread in the wild. The development has some potential to cause the plant to spread, although it would be possible to take simple precautions to prevent this from happening.
- 6.8.4 The Council's ecology consultant has recommended that some form of mitigation and/or compensation be sought for the loss of the plant diversity on the site. Their suggestions are included in Section 4 of this Committee Report.
- 6.8.5 Some matters could be adequately controlled by appropriate conditions attached to any planning consent. However the loss of plant diversity on the site could only be compensated for by altering the layout or providing a contribution towards enhancements elsewhere. The first suggestion would require an amended site layout and no financial contribution has been put forward in the submission. As such, the current scheme fails to adequately compensate for the loss of biodiversity within the application site. NPPF Paragraph 118 sets out that local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided

(through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

6.9 Flooding and Drainage

6.9.1 The eastern boundary of the site is located adjacent a watercourse. Part of the site is currently the flood plain for this and is at significant risk of flooding. The Council's drainage engineer has provided some comments in relation to the proposed scheme. Suggestions that the site will not flood because it is not within a Flood Zone or because ground levels/finished floor levels will be raised is not acceptable. Existing flood capacity will be lost increasing flood risk elsewhere, including to the application site and the development is proposed to take place right up to the top of bank of the watercourse. The existing drainage regime will not be mimicked and flood risk from the watercourse, including that arising from the culvert immediately downstream from the site, has not be sufficiently considered. It is also not considered that habitat and maintenance in and of the watercourse has been accounted for sufficiently. It has been advised that the proposed layout needs amending to remove development close to the watercourse. An area of green open space could be created in the area at highest risk of flooding, however ideally the area shown as 1 in 100 year flood event should be left clear. This is not just to avoid flooding on the proposed development site, but also to manage flood risk both up and downstream. This would significantly reduce the developable area of the site.

6.9.2 The current scheme does not adequately address the risk of flooding to the application site or the implications of the proposal on flooding downstream. Policy DM38, in relation to development and flood risk, sets out that new development proposed within defined areas of flood risk, including from local sources of flooding, must ensure: that suitable and appropriate flood prevention and mitigation measures are agreed, implemented and maintained to ensure that development is appropriately flood resilient and resistant; and that there will be no net increase of flooding to properties within the locality as a result of the development (such as increases in surface water run-off or the reduction in the capacity of flood storage areas) unless suitable and appropriate compensation or mitigation measures exist or can be agreed, implemented and maintained. In addition, Policy DM39 sets out that new development should seek to demonstrate that there is no increase in on-site or off-site surface water run-off rates upon completion and, where practical and feasible to do so, that reductions in surface water run-off are achieved to the relevant standards. For the reasons set out above, the proposed development is therefore contrary to both these policies in addition to the NPPF which sets out that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant; and it gives priority to the use of sustainable drainage systems.

6.10 Affordable Housing

6.10.1 There appears to be little information in the submission with regards to the provision of affordable housing. It sets out that the development will provide 30% of the dwellings as affordable so as to meet the identified needs of local people in accordance with Council policy. Nine dwellings are proposed in the form of two sets of terraced properties which will be a mix of two and three bedroom properties. No indication of the proposed tenure has been given.

6.10.2 Policy DM41 of the DM DPD sets out the level of affordable housing provision that would be expected for new development. For proposals comprising 15 or more dwellings in urban areas on greenfield sites, up to 40% on-site provision is expected. Where compelling and detailed evidence demonstrates that the provision of affordable housing in accordance with this would have a disproportionate and unwarranted negative impact on the viability of a proposed development, applicants may seek to provide fewer affordable dwellings than would be ordinarily acceptable. No financial viability information has been submitted to justify why only 29% affordable housing provision is being proposed instead of 40%. The proposal therefore fails to comply with this policy, in addition to the Housing Needs SPD, and the NPPF.

6.11 Open Space Provision

6.11.1 Policy DM25 of the DM DPD relates to green infrastructure and Policy DM26 relates to open space, sports and recreational facilities. Development proposals should incorporate new and/or enhanced green spaces of an appropriate type, standard, size and reflect the needs for the area as set out

within the council's 'PPG17 Open Space Assessment' or successor documents. Where on-site provision has been demonstrated not to be possible, or the council is satisfied that on-site provision is not beneficial or appropriate, financial contributions will be sought towards the creation of new facilities off-site or to enhance and improve existing provision to meet the needs of the community.

- 6.11.2 No open space is being provided within the site and would be expected to be provided for the health and wellbeing of future residents. Given the proximity to Williamson's Park this would just need to be in the form of amenity space with no play equipment required. However, the Public Realm Officer has identified that a financial contribution is required to improve facilities for young people within Williamson Park, amounting to £18,540, and to cater for increased demand on the park, £8,022, with a total contribution of £26,562. It would also be a requirement to ensure there is good, safe access from the development to Williamson Park. The submission does not set out that any contribution would be provided.

6.12 United Utilities Infrastructure

- 6.12.1 United Utilities have confirmed that a public sewer crosses this site (see section 4) and United Utilities have confirmed that they will not permit building over it. This would appear to require the removal or relocation of at least three of the dwellings. Therefore a modification of the site layout, or a diversion of the affected public sewer is necessary. There would still be scope to develop within the site but it would likely involve the reduction in the number of units. Therefore it is not considered that the current layout is deliverable.

8.0 Planning Obligations

- 8.1 A Section 106 Agreement would be required to ensure the following:
- Up to 40% onsite affordable housing provision
 - Financial contribution of £25,562 towards improving facilities for young people within Williamson Park, and to cater for increased demand on the park
 - Onsite amenity space maintained in perpetuity

The current scheme does not provide this, as set out in the assessment above.

9.0 Conclusions

- 9.1 In the context of an inability to demonstrate a five-year supply of housing proposals, residential development opportunities in Lancaster are generally welcomed subject to site-specific matters being acceptable. In this instance however, this site is allocated as Key Urban Landscape in the Local Plan and as such is not somewhere where the Council would ordinarily support development. In addition, the scheme would have a detrimental impact on nearby heritage assets, it fails to fully investigate potential archaeology, it has a poor design and layout, it would impact on ecological assets and flood risk, it fails to fully assess impacts on the amenities of future occupiers from nearby commercial uses, it does not provide a sufficient level of affordable housing and it is undeliverable given the United Utilities sewer crossing the site which the proposal fails to address.
- 9.2 Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. For decision making this means granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF; or
 - Specific policies in the NPPF indicate development should be restricted.

As a consequence there is a clear expectation that unless material considerations imply otherwise, sites that offer opportunity to deliver housing should be considered favourably. However, it is considered that the adverse impacts of developing this site, as set out above, would significantly and demonstrably outweigh the benefits.

Recommendation

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

1. The site is located within an area designated as Key Urban Landscape and the development of 31 dwellings would impact on the open nature of the area and the character and appearance of its surroundings contrary to the purpose of the designation. The proposal therefore fails to comply with the Core Planning Principles and Section 11 of the National Planning Policy Framework in addition to Policy DM28 of the Lancaster District Development Management Development Plan Document.
2. The proposed development would cause harm to the setting of the Grade I Listed Ashton Memorial and Williamson Park, which is a Grade II Registered Park and garden and is within a Conservation Area, and therefore would have a negative visual impact on their significance. The proposal also fails to adequately identify and assess the nature, extent and significance of any archaeological deposits on the site in order to form an appropriate mitigation strategy. As such it is contrary to the aims and objectives of the Core Planning Principles and Section 12 of the National Planning Policy Framework in addition to Policies DM31, DM32 and DM34 of the Lancaster District Development Management Development Plan Document.
3. The current scheme fails to respect the character of the built form and its wider setting as a result the design, form, materials, layout, boundary treatments, lack of open space and level of offsite parking, particularly given the sensitive and prominent nature of the site. It is therefore considered that the proposal does not represent high quality design and will not preserve or enhance the character of the adjacent Conservation Area. As such, the development is contrary to the aims and objectives of the National Planning policy Framework, in particular the Core Planning Principles and Sections 7 and 12, Policy SC5 of the Lancaster District Core Strategy and policies DM25, DM31, DM32 and DM35 of the Development Management Development Plan Document.
4. The proposal fails to adequately address the potential for adverse impacts on the amenities of the future occupiers of the development as a result of odours from the nearby commercial uses. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7, and Policy DM35 Development Management Development Plan Document.
5. As a result of the scale of the development, the proposal will result in a loss of the majority of plant diversity within the site, which is considered to be of at least local nature conservation value, without adequately mitigation or compensation for this loss. The development is therefore contrary to the aims and objectives of the Core Planning Principles and Section 11 of the National Planning Policy Framework and Policy DM27 of the Lancaster District Development management Development Plan Document.
6. Part of the site forms the flood plain for the adjacent watercourse and is therefore at significant risk of flooding. Existing flood capacity will be lost as a result of the development, increasing flood risk elsewhere and within the site, which has not been adequately addressed by the application. The proposal therefore fails to comply with Section 10 of the National Planning Policy Framework and Policies DM38 and DM39 of the Lancaster District Development Management Development Plan Document.
7. The proposal fails to provide an appropriate level of affordable housing without a financial viability assessment to justify the reduced amount proposed. It is therefore contrary to Section 6 of the National Planning Policy Framework, Policy DM41 of the Lancaster District Development Management Development Plan Document and the Meeting Housing Needs Supplementary Planning Document.
8. The proposed development would cross a public sewer and as such would not comply with current United Utilities guidance in relation to separation distances set out within 'Sewers for Adoption' and does not propose a diversion. The proposal would therefore not be deliverable and as such does not comply with paragraph 173 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. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

Background Papers

None.