

Agenda Item A6	Committee Date 4 April 2016	Application Number 15/01342/OUT
Application Site Land East Of Ashton Road Lancaster Lancashire		Proposal Outline application for the development of up to 125 dwellings with associated accesses
Name of Applicant Story Homes Ltd		Name of Agent Mr Craig Barnes
Decision Target Date 2 nd March 2016 (Time extension agreed until 30 th April 2016)		Reason For Delay Awaiting further information to highways
Case Officer		Mr Mark Potts
Departure		No
Summary of Recommendation		Refusal

1.0 The Site and its Surroundings

- 1.1 There are two parcels of land subject to this application. The northern parcel of land is approximately 1.93 hectares and comprises essentially of an agricultural field used for the growing of crops, which gently undulates falling slightly from the south and north. The site is bound by a significant tree belt to the north and east, which separates the site from the Lancaster Canal. To the west there is a substantial hedgerow that borders the site with Ashton Road, and moving south are some substantial mature trees which offer some screening to the properties along Pinewood Close.
- 1.2 The second parcel of land is larger at approximately 3.84 hectares and is an undeveloped agricultural field used for growing arable crops with a small ride running north to south through the centre of the field, which undulates in character. There is again a substantial tree belt that runs along much of the eastern boundary separating it from the Lancaster Canal and the southern boundary is defined by Carr Lane (also a Public Right of Way).
- 1.3 The site is relatively free of major constraints, but is designated as 'Countryside Area' in the Saved Lancaster District Local Plan. It is not positioned within a flood risk area; it is not protected by any landscape designation; it is not within an area recognised as a designated heritage asset (such as Conservation Area/Scheduled Ancient Monument); and the land is not constrained by any underground infrastructure (such as gas pipelines etc). The site does however fall within a Mineral Consultation Zone, and the grouping of trees to the east of both sites are protected under Tree Preservation Order No.565 (2015). The northern site immediately abuts the Lancaster Canal Biological Heritage Site (albeit in locations it does slightly encroach by approximately 2 metres) and the southern sites eastern boundary does fall within this designation, at a depth of circa 10 metres for a distance. There are no other statutory nature conservation designations affecting the site.

2.0 The Proposal

- 2.1 The proposal consists of the erection of 125 new homes with associated accesses. The application is made in outline form, with only the accesses being applied for. Matters associated with scale,

appearance, layout and landscaping would be the subject of a reserved matters application, should the current application be successful.

2.2 The application seeks approval for the access points to the north and southern site. The northern access proposal would involve the creation of a simple major/minor T-junction using a 5.5 metre access road (with a 10 metre kerb radii); with a ghost island right turn lane being provided with a pedestrian refuge; with visibility splays of 120 metres in each direction (set back at 4.5 metres). The applicants propose a new footway along some of the sites frontage.

2.3 The southern-most access is essentially the same as the northern most one, with a ghost island right turn junction with a pedestrian refuge with a 5.5 metre access road, however the visibility splays are 4.5 metres x 160 metres in either direction. A new footway is proposed along the site frontage to the north of the access proposal.

3.0 Site History

3.1 There is no recent planning history to the site although the applicants engaged in the Council's pre-application service under reference 15/00843/PRETWO.

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No Objections regarding noise and contaminated land , subject to conditions; Objection regarding air quality on the basis that an air quality assessment has not been submitted. The applicants have submitted an odour assessment in support of the application and whilst not wholly agreeing with the approach taken EHO would not recommend refusal of the scheme based on odour.
County Highways	Initially raised an objection on the basis of insufficient information to determine the application with respect to the following points. <ul style="list-style-type: none"> • Full junction analysis of the impact of the development on the Pointer Roundabout (ARCADY); • Full junction analysis of the impact of the development on the Boot and Shoe signalised junction (Linsig); • Details of mitigation measures to increase the sustainability of the site; • Amendments to the site accesses required. <p>Following the receipt of additional information from the applicant's highway consultants the County Council continue to Object to the proposed development on the basis that the site is not in a sustainable location and given the constraints of the local area it would not be practical or achievable to walk from the proposed site and that the impact on the Boot and Shoe and Pointer Roundabout junctions have not been properly considered and therefore there may be a severe impact.</p>
Strategic Housing Officer	No objection , matters associated with the tenure and type/sizes shall be determined at reserved matters stage.
Tree Protection Officer	Objection subject to the reconsideration of the loss of hedgerows and a bank of large trees within the site.
United Utilities	No Objection , subject to the development being carried out in accordance with the Drainage Strategy and that foul and surface water are drained on separate systems.
County Strategic Planning and Transport	No Objection , there is no request for a planning contribution towards school places.
Environment Agency	No Observations to make on the proposal.
Canal and Rivers Trust	Initially raised objection on the basis that the proposed development could undermine the structural integrity of the canal, following the receipt of further information raise No Objection subject to conditions relating to Ground Investigation works, ground

	water drainage, Trees and Landscaping and a provision of monies towards the upgrading of the canal towpath to the cost of £135,000 .
Conservation Section	Following the receipt of additional information relating to Lunecliffe Hall, Lunecliffe Lodge and Deep Cutting Bridge raise No objection to the development.
Public Realm Officer	No Objection , recommending 2184 m ² of open space; an onsite play area; and an off-site contribution of £200,000 will be required.
County Minerals and Waste Group	No comments to make on the application.
Natural England	No Objection .
Lead Local Flood Authority	No Objection , on the basis that the development is carried out in accordance with the flood risk assessment and surface water and maintenance schemes to be agreed.
Greater Manchester Ecological Unit	Raise Concerns as the application site is within part of the Biological Heritage Site which includes the woodland on the canal banks as well as the canal itself, however following further dialogue this can be addressed by means of offsetting the development from the BHS, via planning condition. Recommend conditions relating to Japanese knotweed, bats, breeding birds and biodiversity enhancements.
County Archaeologist	No Objection , recommends a condition regarding archaeological investigation and to ensure that the setting of Lunecliffe Hall has been taken into consideration. Following further consultation recommends that the hedgerows to the south of the northern and southern access points are likely to be deemed to be important hedgerows.
Public Rights of Way Officer	No Observations received within the timescales.
Planning Policy	Raise concerns with the proposed development which may have implications for the existing highway capacity in South Lancaster and the potential to prejudice the wider plan-making process.
Lancaster Canal Trust	Raise concerns that the proposal is not a logical extension to the urban area, increasing pressure on the woodland adjoining the site, should the scheme be approved there should be a requirement to hard surface the canal towpath.
Lancashire Constabulary	No Objection in principle, and more detailed advice can be supplied at reserved matters stage.
Dynamo Cycle Campaign	Objection , on the basis of a lack of cycle infrastructure and inadequate measures to promote cycling, low accessibility score, impact on existing road network for cyclists, lack of local connection in terms of bus services.

5.0 Neighbour Representations

5.1 To date there has been 63 letters of objection received in relation to the application, the concerns are noted below;

- Ruin the character of the area;
- The hedgerow adjacent to the site should be lost and the wide widened, a shared cycle and pathway include;
- Detrimental impact to landscape;
- Brownfield sites should be considered first;
- Capacity Issues of the local highway;
- Lack of education places;
- The site is not sustainable;
- Questions the housing needs for the district;
- Negative Impact on biodiversity and cultural heritage;
- Pressure on local infrastructure; such as water supplies and sewage;
- The area is rural in nature and should remain so;
- The loss of productive agricultural land is regrettable;
- Lack of infrastructure;
- Bus Services are to be cut, and only run on a 90 min schedule;
- Ashton Road is dangerous given the blind bends and people exceed the speed limits;
- Concerns regarding Surface Water Drainage and Foul Drainage;
- Privacy will be compromised by this development;

5.2 Scotforth Residents Association have objected to the development due to the capacity of the local highway to accommodate any further vehicle movements, the development site is not sustainable and doesn't conform to the Development Plan, and there are a lack of improvements contained within the application.

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 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements
E2 – Transportation

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

E4 – Countryside Area

6.4 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

6.5 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.

7.0 Comment and Analysis

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

- Principle of development;
- Affordable Housing;
- Highways;
- Sustainability;
- Landscape and Visual;
- Drainage;
- Layout/Design;
- Mineral Safeguarding;
- Trees and Hedgerows;
- Ecology;
- Education Provision;
- Air Quality;
- Odour;
- Cultural Heritage Impacts; and,
- Open Space.

7.1 Principle of Development

- 7.1.1 The sites are located on land outside of the main urban area of Lancaster and is identified as ‘Open Countryside’ in the adopted Local Plan. The Council, via the Spatial Strategy described in the 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 The application site has been assessed as part of the Council’s Strategic Housing Land Availability Assessment (sites SHLAA_385 and SHLAA_386) and has, based on the evidence presented, been considered to be deliverable for housing within the medium time period of 6-10 years. The conclusion acknowledges that whilst outside of the main urban area the sites could be considered to be in a broadly sustainable location and as such could be viewed to be suitable for development. It is important to point out that the SHLAA is just an evidence base and not a Land Allocations Document. The SHLAA is a technical exercise to assess the amount of land that could be made available for housing, it’s an evidence base that informs the plan making process.
- 7.1.3 Concern has been raised that the application may be deemed premature in view of the strategic development sites that are being considered in South Lancaster at present; however the National Planning Policy Guidance states that the refusal of planning permission on the grounds of prematurity will be seldom be justified where a Draft Local Plan has yet to be submitted for examination (as is the case in this situation).
- 7.1.4 Schemes should be as sustainable as possible, and the NPPF at Paragraph 7 sets out the three dimensions for sustainable development; economic, social and environmental. The scheme is proposing additional housing which is in line with National Planning Policy and therefore there is an economic and social benefit. This is an important positive aspect of the proposal, particularly with the serious shortfall in housing land supply. Specifically, the provision of a significant number of affordable dwellings (at 40% of the units), secured by planning obligation is a matter that the case officer has carried substantial weight given the evident pressing need for such housing.
- 7.1.5 The development would bring about economic benefits in terms of investment and jobs and support for local facilities. These are also of social value. The benefits associated here however carry much lesser weight, principally as these services are somewhat removed from the site.
- 7.1.6 In environmental terms, it goes without saying the loss of a greenfield site (rather than the re-use of land that has been previously developed), is a negative factor, with moderate harm to the character and appearance of the countryside. Similarly negative effects involve the loss of hedgerow and trees, and whilst planning conditions can control details, it is the overall urbanising effect created by the development of accesses and associated visibility splays which prompt considerable concern. The local authority is pragmatic in that accommodating future housing needs will require the release of a greenfield site, highly likely to be in Lancaster. There are however significant reservations regarding the sustainability credentials of this particular proposal, given that the site is outside of the

urban core of Lancaster within open countryside which is somewhat removed from local services (this is discussed further in section 7.3) which would bring about a development heavily reliant on private car journeys (notably more so for the southern parcel of land).

7.1.7 The applicants contend that the development does represent sustainable development in line with Paragraph 14 of the NPPF. The presumption in favour of sustainable development at NPPF Paragraph 14 only applies to a scheme which has been found to be sustainable development. Officers remain of the opinion that as a matter of law the presumption in favour of sustainable development does not apply unless the proposed development is found to be sustainable in the first place. It is concluded that whilst the site has the potential to be considered sustainable; this would be on the understanding of a package of measures of off-site highway works and also rely heavily on the development of the wider Whinney Carr allocation which is located to the north and east of the site.

7.2 Affordable Housing

7.2.1 The scheme is proposing to contribute 40% of the units to be affordable which would be 50% rented and 50% shared ownership. This is an important consideration with respect to the scheme. The development is therefore compliant with Policy DM41 of the Development Management DPD and this could be secured by means of Legal Agreement of which the applicant is amenable to. If a scheme was to be supported on the site the reserved matters should cater for the provision of one bedroom units of which there is a shortfall of in South Lancaster, which has been requested by the Council's Strategic Housing Officer, and this issue can be addressed at reserved matters stage.

7.2.2 Notwithstanding the above, it is recognised that there are significant cost implications that would be necessary as a minimum to make the site a sustainable one (not least the provision of circa £500,000 for bus service provision as is discussed later together with £135,000 for the upgrade of the canal towpath). This may raise doubt as to whether the scheme could in fact provide for a good percentage of properties to be affordable and concerns that the site may well become an exclusive open market scheme in a less than sustainable location. However, notwithstanding these concerns the provision of affordable homes in South Lancaster weighs strongly in support of this scheme.

7.3 Highways

7.3.1 The application has been accompanied by a detailed Transport Assessment (TA) which considers the sites sustainability in terms of accessibility to transport provision, trip generation and distribution and the development traffic impacts. The submission of the TA and its contents have been reviewed by the County Council's Highway Engineers. A revised addendum was received to the document in February 2016, together with a Briefing Note and further addendum in March 2016 and this report is based upon the submitted TA and the subsequent addendums.

7.3.2 There are a number of key considerations, this includes whether the access points off Ashton Road are safe to serve the number of dwellings applied for; whether the local highway network can accommodate the number of vehicles associated with the development and lastly whether it is considered that that site is sustainable.

7.3.3 Access points onto Ashton Road

There will be the provision of two new access points one to serve the northern most site and one to serve the southern most site.

7.3.4 Northern Access

The northernmost access will serve 42 units and whilst this is within a 30 mph zone the County Council has speed survey data to suggest that the 85th percentile speed is 37 mph north bound and 41 mph southbound, and therefore using the LCC data this would suggest the visibility splays should be 120m in both directions. It has been concluded that this element of the development would justify a ghost island to accommodate the right turning traffic and since there is no footway along the eastern side of the A588 this needs to include a pedestrian refuge. The applicants had proposed a 6 metre junction radii however given the access would go onto a main distributor road this has been increased to 10 metres. The changes above have been incorporated and the County Council are satisfied with the proposals and raise no objection to this arrangement.

7.3.5 Southern Access

The southernmost access is within a de-restricted section of the A588; the applicants have suggested that the existing 30mph zone could be extended to cover this junction, which would require the implementation of a Traffic Regulation Order but since this cannot be guaranteed it therefore needs to be considered in line with the 85% percentile speeds. The visibility splays shown within the submission suggested 120 metre splays to the north and 160 metres to the south, but the County Council have requested that this is increased to 160m to the north in line with the proposed southbound visibility splay and as per the northern access the kerb radii increased to 10 metres. This has now been achieved and the County raise no objection to this arrangement.

7.3.6 It is therefore considered that both access points can be found acceptable. There has been concern from the Scotforth Residents Association that the junctions should have been informed by an Independent Stage 1 Road Safety Audit, however the County Highway Authority have not requested this detail.

7.3.7 In order to accommodate the visibility splays, there would in essence need to be a removal of the entire hedgerow that bounds the western boundary of the site. In particular there are concerns with the southernmost sites northerly visibility splay which essentially means that for a large swathe of land there could be no development above a metre in height (assuming the splays are 4.5 x 160 metres). Notwithstanding this, assuming the 30mph speed limit could be extended, this would result in a less onerous visibility splay (yet still safe) and in landscape terms this would be more preferable. A replacement planting scheme could help off-set the short term impact of this, however it is inevitable that to provide a safe means of access the required visibility splays are required, however the current arrangement is rather engineered and not reflective of the countryside area in which the proposal sits within.

7.4 Highway Capacity

7.4.1 Many of those who have objected to the development have done so with respect to highway capacity especially around the Pointer Roundabout, the Boot and Shoe Junction and issues associated with parked cars around Royal Albert Cottages, together with the priority passing by the cottages around the Hala Junction. All these concerns are well founded.

7.4.2 The applicant has submitted a comprehensive Transport Assessment with the operational impacts of the proposed development having been assessed in 2015 (the application year) and 2020 as the design year. A number of junctions have been assessed as part of the scheme such as the 3 arm mini roundabout between Caspian Way and Ashton Road, which is predicted to operate well within capacity and the junction at Cherry Tree Drive/Pathfinders Drive (the double mini roundabout) is expected to operate well within capacity and the impact of the proposal is minimal.

7.4.3 The Pointer Roundabout already operates over capacity but the applicant maintains the impact here is not severe with only minimal increases in queues and delays predicted. The County's stance is that the modelling work that has been carried out by the applicant at the Pointer Roundabout indicates a limited impact on the operation of the junction, but the modelling fails to replicate the existing traffic queues that develop during the morning and evening peak periods. As a result they are of the view that they cannot be certain that a severe residual impact will not occur as a result of the approval of this scheme.

7.4.4 With respect to the Boot and Shoe signalised junction the applicants considered that the development would only equate to a 0.6% increase on base flows and will not have a severe impact on the operation of the junction. The County have concerns on the capacity of this junction, and are of the opinion the applicant has not assessed the full impact that the development may have. As in the case of the Pointer Roundabout they are concerned that in the absence of robust information there may be a severe impact here.

7.4.5 As has been noted in many of the representations received in response to the application there are concerns locally with those residents who park their cars on Ashton Road outside of the Royal Albert and De Vitre Cottages, and this operates as a one-way section due to the on street parking, however the applicants suggest that this would be within the normal day to day variation in traffic flows on

Ashton Road and would not cause significant increase in delays here. The County have not raised concerns with respect to this.

7.4.6 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. As noted, the County are stating that in view of the modelling that has been undertaken, this is inconclusive to come to a judgement as to whether impacts at the Boot and Shoe and Pointer Roundabout are severe. They do caveat that there would be some junction capacity released once the Heysham link is operational. Notwithstanding this there are still reservations regarding how the junctions will be affected by the permitted Booths and Science Park development. In view of this, in liaison with the Highway Authority, the decision maker cannot conclude that there will not be a severe impact on the highway and therefore the proposed development would presently be contrary to Paragraph 32 of the NPPF.

7.5 Sustainability of the site

7.5.1 One of the critical concerns from the outset has been whether the site is in a sustainable location. This is one of the core requirements of the NPPF and also the DM DPD in order to reduce the reliance on car transportation. The site has an accessibility rating score of 12 which is rated as being low. The scheme had been the subject of the Council's pre-application service where it was stressed that for any scheme to be supported this would be reliant on a package of deliverable sustainable measures. The applicants, the County and Case Officer have met to discuss what is possible and the view shared by all is that unless third party land is acquired then delivery of measures is limited. Notwithstanding this the applicant proposes to ensure pathways are at least 1.2 metres wide on Ashton Road and Ashford Road (sections on Ashford Road would be less than this namely adjacent to the cemetery). Hedgerow maintenance is proposed to create slightly wider footways. The applicants commit to providing an appropriate financial contribution to the upgrading of the canal towpath to the east of the site. This would not only have benefit to the development applied, but also the benefit of all.

7.5.2 The County Council have commented on the sustainability measures proposed by the applicant that the existing footway along the section of Ashton Road and Ashford Road is substandard with footway widths of 0.9m in places and would recommend a minimum of 1.8 metres given the quantum of development that is being proposed. It has been discussed what is practical and achievable here, and the County are of the view that the footway widening scheme would have to encroach into the highway or require third party land and undertaking these works is not achievable (noting that extension of the widths of footways would fall within the remit of the County as Highway Authority). They are therefore of the view that the scheme will result in total reliance on private car journeys as the option to walk to and from the site would not be an attractive proposition.

7.5.3 The site is adjacent to the Lancaster Canal and therefore is readily accessible from the northern and southern sites. A financial contribution to the sum of £135,000 has been requested by Canal and Rivers Trust for the surfacing of 1.2km of Canal Towpath based upon a 1.5m wide towpath being compacted with stone. This is welcomed and would have associated benefit to other users, however the applicants have only stated that they would provide a contribution and not provide the full amount. It should be noted that the towpath is not lit, and therefore will probably be only utilised for recreational and summer usage, although it offers an attractive route into the City Centre. The applicant has proposed cycle/pedestrian links to the highway network and linkages to the canal towpath.

7.5.4 The scheme at present does not propose anything that would really encourage residents of the development to walk or cycle to the local primary school or (for example) to the Booths supermarket on Scotforth Road or other local services. As expressed previously the site does fall outside the Lancaster City boundary and therefore is in open countryside. It is accepted that there is a bus stop adjacent to the southern site and one located to the north of the northern parcel of land. However, there are concerns that with future budget cuts this service could be lost altogether however there is still a bus service and bus stops in relative proximity to the site.

7.5.5 The local bus service 89H is expected to cease or have a vastly reduced service which runs from Lancaster to Knott End. The County Council have confirmed that the service will be operating on a reduced capacity (which was already quite a sparse service in the first instance and is far less than the 30 minute service as noted under the Core Strategy Policy SC1). Given this, a financial contribution would be required and this is likely to be in the region of £500,000 over the course of 5

years. An argument that could be made however is that there are wider sustainability benefits of the scheme should this scheme be approved that the bus service would continue to serve villages such as Cockerham, and therefore this does attract some weight in terms of wider sustainability benefits.

7.5.6 The majority of the local services are located to the east of the site in Scotforth, including a supermarket, a school, petrol filling station, laundrette, hot food takeaways etc.. However walking from the site is problematic, and travelling along Ashton Road contains substandard pavements, and walking along Ashford Road can involve (if pushing a push chair) walking in the road, which represents a danger to pedestrians. Walking through via Piccadilly or via Ashford Road also means there are stretches (admittedly small ones) that require pedestrians to walk fully in the road. Whilst extensive discussions have taken place between the applicant's transport engineer and the County Council as Highway Authority, there is little in the way of off-site highway improvements that can be delivered to facilitate the development and improve sustainability. For example, given the carriageway restrictions on Ashford Road it would be difficult to do any works to increase the footway in this location, which would provide any real benefit to users, despite a commitment from the applicants to undertake this. From the southern-most part of the development site it is expected to take 25 minutes to walk to the current Booths store on Scotforth Road, this figure reducing to approximately 15 minutes walking from the northern edge of the site.

7.5.7 As part of the wider local plan period it is considered that in the event that the Whinney Carr site is developed connections could potentially be made across the Carr Lane Bridge and off Ashton Road, which would increase the sites sustainability; however there is no guarantee that Whinney Carr will come to fruition and therefore to approve the current development at this moment in time cannot be seen as sustainable.

7.5.8 It should be stressed that the Council is fully supportive of the sustainable housing in the district however the approval of this site would not constitute sustainable development given substandard footways and the isolated nature of the site (in particular the southernmost site) and with this in mind it is not considered that the development conforms to the Paragraph 14 of the NPPF and the requirements of Policies DM20, DM21 and DM35 of the DM DPD and the proposal cannot be seen to be a sustainable location for development.

7.6 Landscape and Visual

7.6.1 A number of interested parties have made reference to the visual impact of the proposals and encroachment into the Countryside and the loss of these sites would not accord with the policies of the Development Plan.

7.6.2 The sites are arable farmland with hedgerows and trees to the boundaries and therefore the change from an agricultural site to a residential one will bring about a moderate landscape change in respect of landscape character and moderate effect in terms of landscape designation, features and vegetation. Whilst there would be a localised loss it is not considered that this would constitute unacceptable adverse landscape effects to which constitute a significant environmental effect, albeit it is considered that the loss of the southern parcel of land will have a greater landscape impact than the northern most one as the southern most site does feel divorced from Lancaster.

7.6.3 With respect to visual effects, the development would bring about effects to properties on Pinewood Close, to users of Ashton Road, and for footpath users on Routes 51, 56 and 57. Whilst there would be a marked change, it is not considered that this would constitute an adverse visual effect.

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

7.6.5 Officers share the concerns of local residents that the proposal will lead to an inevitable change in character of the application site and whilst it is evident from third party representation that its current undeveloped nature is appreciated by local people, contributing to an experience of living close to

the countryside, no attempt has been made to suggest it carries the status of a valued landscape as referred to in the NPPF and it is considered that the effects would amount to essentially local impact. However, through careful landscaping at the reserved matters stage, the retention of existing trees (where possible), together with careful design, the proposal would partially negate the concerns. However the loss of the hedgerows along Ashton Road and the urbanisation that would ensue due to the required visibility splays would irrevocably change the character (notably for the southern-most site) and as such it is considered that this would not be in keeping with the local area and therefore fails to adhere to Policy DM28 of the DM DPD.

7.6.6 On balance, whilst it is recognised that if the nationally important designated sites are to be protected from major development, in order to meet existing and future housing needs, landscapes that are not protected (such as the application site) and are well related to existing sustainable settlements are the landscapes most likely to accommodate future development to meet the housing needs of the district. It is not considered that the southern parcel of land is well related to the existing settlement and the visibility splays that are required to be created will have an adverse impact on the intrinsic qualities of the open countryside, whilst overall the development of the site for a residential scheme could be found acceptable in landscape terms, the engineered and urbanising effect of the splays does not conform to Policy DM28 of the DM DPD.

7.7 Drainage

7.7.1 The site is within Flood Zone 1 which has the lowest probability of flooding (less than 1 in 1,000 annual probability of river or sea flooding <0.1%). However given the size of the site, a site specific Flood Risk Assessment (FRA) was required in support of the application.

7.7.2 The FRA demonstrates that the site is at a low risk of flooding and the applicant has provided an indicative drainage strategy, which demonstrates the site can be drained suitably using SUDS features given the favourable ground conditions present. The Lead Local Flood Authority, United Utilities and the Environment Agency have raised no objections on flood risk/drainage grounds; subject to appropriate conditions to secure a suitable scheme design and implementation. The proposal is therefore compliant with Policies DM38 and DM39 of the DM DPD, conditions can be imposed controlling the use of SUDs and relevant conditions concerning the management arrangements. In terms of foul water, conditions can be imposed requiring details of the arrangements to be controlled by means of planning condition, United Utilities raise no objection.

7.8 Layout/Design

7.8.1 The applicant has provided a block plan in support of the scheme to show an indicative arrangement to show how the quantum of development could be achieved on the site together with a details design and access statement that explains the design rationale behind the scheme. The illustrative Masterplan provides for 114 units which comprises of the following mix of 22 two bed, 31 three bed houses, fifty six 4 bed houses and five 5 bedroom houses. The majority of which would be detached and semi-detached with some terraced housing. The illustrative layout has its strengths such as a healthy amount of open space, provision for on-site drainage, a play area; however the majority of the units do not face Ashton Road and therefore it is felt that this could be improved upon, as could the location of some of the properties in relation to the root protection zones of the trees.

7.9 Mineral Safeguarding

7.9.1 Approximately 50% of the site is covered by a mineral safeguarding zone and as such the application has been supported by a minerals assessment. The County Council as Minerals and Waste authority have not responded to the consultation request however given the location (in close proximity to residential dwellings and the canal) it is highly unlikely that the site would be able to be commercially worked for mineral. Notwithstanding this, there may be the opportunity for a prior extraction exercise to take place; however given the constraints of the site this is unlikely to be feasible and in the absence of a response from the County it is not considered there would be any sterilisation of mineral resource by non-minerals development and therefore the scheme complies with Policy M2 of the Lancashire Minerals and Waste Local Plan.

7.10 Trees and Hedgerows

- 7.10.1 To facilitate the required visibility splays there is a need to remove a significant amount of hedgerow along the sites frontage on both of the sites. This equates to approximately 200 metres on the northern-most site and approximately 260 metres on the southern site. The hedgerows are predominantly hawthorn, sycamore, ash, hazel and is species rich and provides for good habitat, and therefore are category B+ hedgerows and have a life expectancy of at least 40 years.
- 7.10.2 The application also involves the loss of a substantial bank of early mature hawthorn which acts as a buffer between the larger trees adjacent to the canal. The applicant's arboricultural report states that the roots from neighbouring trees may well be affected if removal occurs in this area. As with the hedgerow as noted above this is classed as B+ and has a life expectancy of 40 years plus.
- 7.10.3 The hedgerows in particular are an attractive feature of the area which contribute to the rural nature of the landscape and as has been recognised by the County Archaeologist they do have some historic value. The situation of hedgerow loss is exacerbated by the almost industrial-scale urbanising visibility splays that are required on the scheme and the fact that two access points are required. Notwithstanding this it is inevitable from a highway safety perspective that in order to allow safe means of access and egress that the removal/relocation/reduction in the heights of hedgerow will be needed here. The Tree Protection Officer objects to the scheme based on the loss of hedgerow and recommends that a translocation exercise of the hedgerow adjacent to Ashton Road takes place and also objects to the loss of the G56 grouping of trees on the southern parcel of land.
- 7.10.4 The applicants contend that to relocate the hedgerow would not be appropriate in the circumstances, but are amenable to a planting scheme to replace the hedgerows adjoining Ashton Road. Whilst there is mitigation and the applicants are amenable to this it is considered that there would be short term (moving to longer term impacts with the southern most site) adverse impacts associated with the loss of the hedgerow, and this is a negative in the determination of this application (noting that this is more significant on the southern most site.)
- 7.10.5 The trees referred to in paragraph 7.10.3 above are protected by a Tree Preservation Order, and they act as a buffer to the larger trees adjacent to the canal. The applicants have proposed a compensation scheme and at the time of writing the report the further views of the Tree Protection Officer are not known, and will be reported verbally to committee. One critical concern as noted within the applicants Assessment is that it may be the case that the roots from neighbouring trees would be affected if the removal of G56 occurs. This contains mature trees namely sycamores which have a retention category of A+. This could be addressed by means of planning condition to ensure that the roots of this grouping is not adversely affected.

7.11 Ecology

- 7.11.1 The application site boundary falls within the boundaries of the Lancaster Canal Biological Heritage site which is principally concerned with the Canal, and whilst both sites fall within this it is more evident in the southern most site (at a depth of 10 metres). The applicant's indicative layout has provided for this area to be namely private gardens and this includes the trees that form its boundaries to the designation. The Council's ecological advisor did raise the issue that the illustrative plan needs to be amended to account for the development that is proposed within the designation. Through further dialogue with the Council's ecological advisor they are amenable to this issue being controlled by conditions preventing encroachment into the BHS should members be minded to approve the scheme.
- 7.11.2 The application has been supported by an Ecological Appraisal which makes a number of recommendations in relation to bats, birds, Japanese Knotweed and biodiversity enhancements. These issues can be addressed via planning condition.
- 7.11.3 Natural England whilst not objecting to the development have considered that the site is unlikely to be used by SPA protected species, given the adjacent Ashton Road, and disturbance associated with this and therefore will not have a significant effect on any nearby designated nature conservation sites. The scheme is therefore considered acceptable from an ecological perspective and therefore complies with Policy DM27 of the DM DPD.

7.12 Education Provision

- 7.12.1 A number of representations have been concerned about education provision in the local area. Lancashire County Council as education authority have assessed the need for Primary and Secondary school places as part of this planning application. The County states there is provision in the local schools and has not sought an education contribution on this development, given this it is considered that there is sufficient spaces available and therefore there is adequate provision already made.
- 7.12.2 Based on the Lancashire County Education Contribution methodology, the development will result in the need for 49 places for primary and 19 places for secondary. LCC review primary schools within 2 miles and secondary schools within 3 miles to determine the projected number of surplus/shortfall places available. In the catchment of schools, in 5 years there are projected to be 36 primary school places and 253 secondary school places available, after the impact of this development has been taken into account, for this reason there is no requirement for a contribution towards education.

7.13 Air Quality

- 7.13.1 The development site is not located within an Air Quality Management Area nor is it adjacent to one however traffic arising from the development will impact in a contributory way to the Lancaster and Galgate Air Quality Management Areas. The applicant has not submitted an Air Quality Assessment in support of the scheme (nor do they consider one is actually required), although Environmental Health Officers have requested that one is submitted in addition to mitigation being provided, failure to do so should result in a reason for refusal of this scheme.
- 7.13.2 Policy DM37 of the DM DPD states that Air Quality Assessments must be submitted for any development proposal *within or adjacent* (our emphasis) to an Air Quality Management Area, however the proposed development falls within neither of these categories and therefore it would not be considered reasonable to ask for the assessment in the first instance (given the wording to Policy DM37). With this in mind and whilst the views of the Environmental Health Officer are noted it is not considered that the lack of an air quality assessment could be reasonably used as a reason for refusal of the scheme. In any event it is considered that conditions could mitigate these needs such as electric vehicle charging points and a robust Travel Plan. Notwithstanding this stance on air quality matters, there remains concerns in any event with the overall suitability of the site in sustainability terms.

7.14 Odour Issues

- 7.14.1 The application initially lacked the provision of an odour assessment however one was submitted in February 2016. The reason an assessment was requested is down to the presence of an existing slurry lagoon at Whinney Carr Farm located circa 100 metres from the proposed development. The results conclude that it is not anticipated that there is a significant risk of adverse odour impacts occurring at any sensitive location as a result of emissions from the slurry lagoon. As such, the potential for adverse odour impacts at the proposed development site is considered to be low. The views of the Environmental Health Officer is that they would not recommend refusal of planning permission based on the results of the odour assessment however would like to see additional surveys. Given there is no objection, this element of the scheme is considered acceptable.

7.15 Cultural Heritage Impacts

- 7.15.1 The site is adjacent to the historic Lancaster Canal which was constructed in 1797, and there are a number of grade II listed properties in close proximity to the site notably Lunecliffe Hall, Lunecliffe Lodge, Carr Lane Bridge, Laburnham Cottage and Deep Cutting Bridge (non-designated Heritage Asset). The Council's Conservation Officer concludes that there would be negligible impacts associated with the development on heritage assets. Given this it is considered that the scheme complies with Policy DM31 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 nearby heritage assets would be preserved on the basis of a scheme to be assessed at reserved matters stage.

7.15.2 The County Council have requested a condition associated with archaeology and this is considered appropriate should Committee be minded to support the development. The County Archaeologist has also stated that in this view the southern-most hedgerows to the south of the access proposals are likely to be deemed 'Historic'. Notwithstanding this, the County Archaeologist does not object to the proposed development, although wishes to see the fencing located to the south of the site retained.

7.16 Open Space

7.16.1 Whilst in outline form, the applicants have proposed an open space proposal in support of the scheme to show how open space could be delivered on the site and the proposals do include the provision of a 400 m² play area together with a substantial amount of open space which equates to circa 0.89 hectares. This is significantly above what would normally be requested on a development of this scale which the Public Realm Officer calculates to be in the region of 0.22 hectares. Therefore the provision of the equipped play area and open space (as proposed) is seen a positive of the current proposal.

7.16.2 The Public Realm Officer has requested a contribution of approximately £200,000 which would go towards Park and Garden Improvements at Greaves and/or Williamson Park, a contribution towards a MUGA or young people play area on the Royal Albert Recreational Field. With respect to outdoor sports facilities there has been shown to be a need for a new car park, changing room improvement and drainage of part of a pitch at the Royal Albert Recreational field with a cost of up to £100,000.

7.16.3 The applicants have questioned the need for off-site contributions to be made, when there is provision being made for on-site play and generous amounts of open space, in particular towards Parks and Gardens where there has been no deficiency highlighted. Policy DM26 of the DM DPD states that proposals located in areas of recognised open space deficiency will be expected and encouraged to provide appropriate contributions. A development of this nature is going to impact on local areas of open space whether that be at Williamsons Park or at the (nearer) Royal Albert playing fields. A request can only be justified if it is necessary to make the development acceptable in planning terms, related to the development and fair and reasonable in scale and kind. A contribution therefore to the Parks and Gardens and also to the drainage of the playing field at the Royal Albert Recreational Field is seen as appropriate in the circumstances; whereas the provision of a car park, and changing rooms is not justified.

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 address at Reserved Matters stage based on local housing needs and viability);
- A contribution to off-site play and a financial contribution to offsite parks and gardens;
- Financial contribution to the 89H bus service for a period of 5 years at £100,000 per annum (£500,000);
- Financial contribution to the upgrading of the canal towpath (£135,000);
- Travel Plan Implementation.

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 proposed development is located outside of the urban area of Lancaster and there would be moderate harm and some limited erosion to the intrinsic character and beauty of the countryside, in particular for the southern parcel of land. The sites - whilst not wholly divorced from Lancaster - are not considered to be sustainable and it would not be conducive to walk to local shops or services, owing to the poor widths of footways, many of which cannot be improved to such an extent to

encourage residents that walking is an attractive and practical mode of transport; the visibility splays associated with the scheme would result in the loss of significant sections of hedgerow of which has been deemed to have ecological, landscape and historic importance, which is especially true of the southern most site. It has not been conclusively evidenced that there would not be a severe impact on the Boot and Shoe and Pointer Roundabout junctions and therefore the scheme fails to comply with Paragraph 32 of the National Planning Policy Framework.

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 the recommendation is that the application should be refused.

Recommendation

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

1. There is insufficient information to demonstrate to the satisfaction of the Local Highway Authority that the existing highway network, particularly at the Pointer Roundabout and Boot and Shoe Junctions can accommodate the movements generated as part of the scheme, and therefore the residual cumulative impacts of the development may be severe. The proposal therefore fails to conform to Policies DM20 and DM35 of the Development Management DPD and Paragraph 32 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 and E2 of the Lancaster Core Strategy, Policies DM20, DM21, DM28 and DM35 of the Development Management DPD, and Paragraphs 7 and 14 of the National Planning Policy Framework.
3. The creation of the sites access (in particular the southern most access) would have an adverse impact on the intrinsic landscape and historic qualities of the area therefore creating an urbanising effect in the Open Countryside which fails to conform to overarching principles of sustainable development and therefore fails to conform to Policy E4 of the Lancaster District Local Plan, Policy SC1 of the Lancaster District Core Strategy, Policies DM27, DM28 and DM29 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.

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.