

Agenda Item	Committee Date	Application Number
A5	3 May 2016	16/00041/OUT
Application Site Higher Bond Gate Abbeystead Road Dolphinholme Lancaster	Proposal Outline application for the erection of 68 dwellings with creation of a new access	
Name of Applicant Mr & Mrs D Wallbank	Name of Agent Mr Avnish Panchal	
Decision Target Date 23 May 2016	Reason For Delay N/A	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The application site is located to the north eastern fringe of the village of Dolphinholme, circa 8.5 km to the south of Lancaster City Centre. The site relates to a 3.9ha parcel of land that is bound by Abbeystead Road to the south, open fields to the north and east, and Brookside Drive to the west with residential properties beyond this. The site falls to the south being circa 105 metres above ordnance datum (AOD) in the north west corner of the site falling to 89 metres AOD to the south of the site where the proposed access is to be located. There is a shallow valley that runs from north to south close to the western boundary of the site. The site is bound by hedgerows to the south of the site and there is a hedgerow that runs in a south-west to north-east direction in the southern section of the site, there are isolated trees that run along the western boundary of the site, there is no boundary treatment to the north.
- 1.2 The site is relatively unconstrained; however it is within an area that is susceptible to groundwater flooding; a Tree Preservation Order (TPO 574 2016) covers a number of trees that exist within the site (notably along the boundaries); Lower Starbank Farm is Grade II listed and is located approximately 100 metres to the north of the development proposal. A watercourse is located on the western boundary of the site and Footpath 39 is located to the south of Abbeystead Road (20 metres away) and Footpath number 43 which is 100 metres to the north. The proposed development is approximately 350 metres to the north west of Dolphinholme Conservation Area and approximately 1km to the south west of the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

2.0 The Proposal

- 2.1 The proposed development is made in outline form for the erection of up to 68 dwellings (of which includes 27 affordable dwellings) with only the means of access being currently applied for. There is an existing bungalow on the site which is intended to remain. Matters associated with scale, layout, appearance and landscaping will be considered at reserved matters stage should a scheme be supported. The applicant has provided an indicative layout of how they consider the site could be developed. The applicants propose to connect Footpath 39 with Footpath number 43 with a new footway that would cross the site, and in April 2016 have proposed a new village convenience store

which would be located at the entrance of the site adjacent to Abbeystead Road. A foul pumping station is also proposed, with the details to be agreed as part of any subsequent reserved matters application.

- 2.2 The sites proposed means of access is off Abbeystead Road and the main spine access access will feature a 6 m wide access and the scheme proposes visibility splays in the region of 2.4m x 100m to the west and 2.4 m x 103 metres to the east.

3.0 Site History

- 3.1 The relevant history is noted below.

Application Number	Proposal	Decision
15/00907/PREONE	Pre-application Advice	Determined
11/00163/RCN	Removal of condition 2 on application 2/4/5244 relating to the limited occupation of the dwelling as an agricultural forestry worker	Refused

4.0 Consultation Responses

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

Consultee	Response
Forest of Bowland AONB Unit	Object , as the development would have a detrimental impact on the landscape and special qualities of the AONB and concerns over the content of the LVIA and overall conclusions.
County Highways	Unable to support the proposal ; (i) Raise concern that there are substantial adverse highway and transport related impacts associated with this development as presented; (ii) Raise issues associated with the content of the Transport Assessment submitted in support of the scheme and overall sustainability issues associated with the development of this site; (iii) The cumulative impact of the development has not been suitably assessed with the resulting residual impact severely impacting on the Galgate / Lancaster A6 corridor as well as the M6 junction 33 interchange. (iv) Concerns over the junction proposed and suggests amendments to the access in terms of visibility splays and radii improvements. (v) Lacks opportunities to cycle, walk or use other forms of transport which are not private car journeys.
Greater Manchester Ecological Unit	No objection , and recommends the ecological mitigation measures and enhancement measures are employed.
Public Realm Officer	No objection ; there should be 1316 m ² of open space provided on site; a play area will also be required; a financial contribution of up to £139,966 going towards potential improvements to the Village Bowling Green or Tennis Courts; contribution towards the kick about area in the village and a financial contribution to Williamson Park and Greaves Park.
United Utilities	No objection ; subject to conditions associated with foul and surface water on separate systems, the development being carried out in accordance with the FRA and the management and maintenance of the SUDs scheme.
Lancashire Police	No objection , matters associated with secured by design can be addressed at reserved matters stage.
Environment Agency	Objection as it involves the use of a non mains foul drainage system in a publicly sewered area. Further information has been provided and comments are awaited.
Lead Local Flood Authority	No objection , subject to conditions concerning a surface water drainage scheme and maintenance and management plan to be submitted for consideration.
Ellel Parish Council	Objection ; the scale of development will have a detrimental impact on the village, the development will result in the increase in traffic, the waste water system is not equipped for extra housing, there is flood risk associated with the development and lack of infrastructure to cater for this development.

Environmental Health	No objection and recommends conditions associated with land contamination, construction hours of work, dust suppression and provision of electric vehicle charging points.
County Strategic Planning (Education)	The development would result in the need for 15 primary school places and therefore a contribution of £183,141 is sought. With respect to secondary school provision this has not been determined given the distance to the nearest secondary school is 5.05 miles.
Local Plans Team	The site is located in the 'Open Countryside' on the edge of the Forest of Bowland AONB. Whilst development in principle is acceptable in such locations it needs to comply with other policies within the Development Plan and ultimately the delivery of sustainable development.
County Council (Mineral Safeguarding)	No observations received
Natural England	No objection , however recommends the views of the AONB Unit are sought.
National Grid	No observations received.
Strategic Housing Officer	No observations received.
Tree Protection Officer	Objection subject to the reconsideration of the design element of the scheme with regard to T6 and the adjacent dwelling and outdoor amenity space.
Ramblers Association	No observations received
Public Rights of Way Officer	No observations received
Fire Safety Officer	No objection
Wyre Borough Council	No observations received
Conservation Section	No observations received

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notices and adjoining residents notified by letter. To date there has been 96 letters of objection received in response to the scheme raising concerns with the following main issues;

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

5.2 A petition has been received containing 365 signatures in opposition to the scheme.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32, 34 and 38 Access and Transport
Paragraphs 49, 50 and 55 - Delivering Housing

Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
Paragraph 103 – Flooding
Paragraphs 109, 115,117,118 – Conserving the Natural Environment
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 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)

E3 – Development within and adjacent to the AONB.
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.
- Dolphinholme Neighbourhood Plan

7.0 Comment and Analysis

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

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

- Cultural Heritage Impacts.

7.1 Principle of development

- 7.1.1 The site is located on land outside of the main urban areas and is identified as ‘Open Countryside’ in the adopted Local Plan. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the district. Whilst not precluding development outside such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development.
- 7.1.2 Policy DM42 of the Development Management DPD seeks to promote wider opportunities for housing delivery within rural areas of the district, in accordance with the aims of national planning policy. Policy DM42 sets out a series of villages which the council would, in principle, support proposals for new housing. Policy DM42 identifies Dolphinholme as a village where housing proposals would be supported in principle. Whilst the principle of housing development in Dolphinholme is accepted, there are a number of considerations which need to be given to any planning application before concluding that residential development in this location would represent sustainable development. In particular reference should be made to paragraph 20.22 of the Development Management DPD which states; *‘The council will support proposals for new housing development that contain or have good access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education, health facilities and access to public transport and other valued community facilities. Proposals should demonstrate that they will have clear benefits to the local community and, in particular, will meet rural housing needs according to robust evidence (such as the Lancaster District Housing Needs Survey or other local housing needs survey)’.*
- 7.1.3 Given the site is identified as open countryside, Saved Policy E4 of the adopted Local Plan is relevant to this planning application. This requires proposals in the Open Countryside to be in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping; not result in an adverse effect on nature conservation or geological interests and make satisfactory arrangements for access, servicing, cycle and car parking provision.
- 7.1.4 Notwithstanding the above, the Council is charged by Government (via national planning policy) with significantly boosting the supply of housing. This is supported by Policy DM41 of the Development Management DPD which states that residential development will be supported where it represents sustainable development. In supporting residential development the Policy states that proposals for new residential development should ensure that available land is used effectively taking into account the characteristics of different locations; be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion; and provide an appropriate mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.
- 7.1.5 It is fully acknowledged that the Local Authority cannot demonstrate a 5 year housing land supply, and Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPA’s) should approve development proposals which accord with the development plan without delay, and that where a development plan is absent, silent or relevant policies are out-of-date the LPA should grant permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework [NPPF] taken as a whole; or
 - Specific policies in this Framework [NPPF] indicate development should be restricted.

As a consequence there is a clear expectation that, unless material consideration imply otherwise, opportunities for housing delivery should be considered favourably.

- 7.1.6 Many of the representations received in response to the application have raised significant concern regarding the wider plan-making process and the impact that this may have on the village of Dolphinholme. It should be stressed that development in Dolphinholme is *an option* (our emphasis) for delivering housing growth in the district. The basis why Dolphinholme was chosen as a village

expansion option was that it does not suffer from significant land use constraints such as being within a protected landscape or at significant risk of flooding as defined by Flood Zones.

- 7.1.7 Whilst the scheme is within the Open Countryside but it is contained within the Councils Strategic Housing Land Availability Assessment 2015 as a Strategic Site (SHLAA ref_130). It should be stressed that the application site occupies approximately half of the SHLAA allocation contained within SHLAA_130. The wider allocation has the potential for 150 dwellings. The Strategic Sites are sites that could; subject to further investigation, be potential contributors to the districts housing needs, but would require an overarching strategic approach in their delivery, to be considered under the Land Allocations Process. At the present moment in time it is not possible to conclude on their deliverability.
- 7.1.8 Policy DM42 of the Development Management DPD is especially relevant for this application and as noted above new development in Dolphinholme will be supported assuming the below criteria can be met;
- be well related to the existing built form of the settlement;
 - be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
 - be located where the environment can accommodate the impacts of the expansion;
 - demonstrate good siting and design in order to conserve and where possible enhance the quality of the landscape;
 - consider all relevant policies within the Arnside and Silverdale Area of Outstanding Natural Beauty DPD.
- 7.1.9 Dolphinholme is effectively split into two parts, Higher Dolphinholme and Lower Dolphinholme. The development is adjacent to residential properties along Brookside Drive and those that bound Abbeystead Road and therefore it is considered that the development has some form of geographical relationship to the existing built form of Dolphinholme. Matters must then turn to whether the development proposed is appropriate in terms of scale and character.
- 7.1.10 With respect to its relationship to the village in terms of scale and character, the proposed development is a large extension to a village which has in the region of 140 houses. It cannot therefore be considered that the scheme can be seen to be proportionate to the scale and character of the settlement and there are no exceptional circumstances other than the provision of 40% of the units to be affordable units, the contribution to meeting the housing needs of the district, and potentially the addition of a convenience store (which is a late addition to the planning application and lacks any detail).
- 7.1.11 For reasons contained in this report, the scheme has attracted objections from the likes of the Environment Agency and the County Council (as highways authority for the area). This is further expanded on in Paragraphs 7.5.2 and 7.4 respectively of this report. It is therefore not considered that the local infrastructure can currently accommodate the impacts of the scale of expansion sought by this scheme. For reasons contained in Paragraphs 7.2.1 - 7.2.4 officers have significant concerns over the landscape impact of the proposals.
- 7.1.12 As outlined in Paragraph 2.1 of this report the application is made in outline form and therefore layout, scale, appearance and landscaping are not being considered as part of this application; nevertheless the local planning authority needs to be convinced that the site has the potential to accommodate a scheme reflective of its rural surroundings and conserves and enhances the character and quality of the landscape. The applicant has submitted an indicative layout in support of the scheme to show how the site could be developed. Whilst layout is not being considered as part of this application there are concerns with the proposed layout in terms of the design proposed, such as rear-facing properties backing onto Abbeystead Road, the creation of parking courts and the provision of a long spine road running through the site is not entirely characteristic of the surrounding area, with this in mind the development as proposed would detract from the character and the quality of the landscape.
- 7.1.13 The scheme is proposing 40% of the units to be affordable, and this is afforded substantial weight in the planning balance argument, and something which is to be fully supported. Notwithstanding this it is considered that the development is contrary to Policy DM42 of the Development

Management DPD, and Dolphinholme does not contain a wide range of local services but it does have some (school, (nearby) public house, village hall, outsourced post office visiting 2 mornings a week and two churches). Furthermore access to other nearby services such as in Galgate are made more problematic due to the use of the minor roads in the area. Since the time of the submission the applicant has proposed a live/work unit (which was proposed a day before the committee report deadline) which would offer the opportunity as a new convenience store, however there is no detail regarding feasibility or delivery in this outline submission, and whilst this could be deemed to be a benefit to the local community and therefore needs to be weighed in the planning balance with significant weight, without detail, a full assessment cannot be made.

7.2 Landscape

7.2.1 The applicants have submitted a Landscape and Visual Assessment (LVIA) in support of the application. The resulting conclusions of the assessment relating to landscape character show that the whilst the sensitivity of the landscape here is high, the magnitude of change resulting from the proposal would be minor and the impact negligible, and from a visual impact perspective the impact on neighbouring properties would be low adverse and the overall significance would be minor adverse. With respect to views from the surrounding landscape and AONB, the overall significance would be negligible/minor beneficial.

7.2.2 Many residents are concerned regarding the landscape impact of the proposals and this view has been shared by the Forest of Bowland AONB Unit who of the view that the development would have a significant detrimental impact on the landscape and special qualities of the AONB and have raised concerns with the content and also the overall conclusions reached in the assessment.

7.2.3 It should be noted that the site is approximately 1km from the Forest of Bowland AONB, and whilst the comments are fully noted from the AONB unit, (as there would be some impact on the AONB) it is not considered that this is likely to be significant in its own right to warrant a refusal of this scheme given the development site is 1km away. The concern however is that this site is in a sensitive location and is an important gateway into and out of the AONB/Trough of Bowland and does have a feel and similar characteristics of being within the AONB. Notwithstanding this, the site is not within a protected landscape and therefore if land within the Forest of Bowland AONB is to be protected from development then sites with no landscape protection are those that are likely to be developed in the future (such as the application site).

7.2.4 Officers have serious misgivings about the conclusions contained within the LVIA. A development of this scale is not in keeping with the landscape character of the area, would have significant landscape effects (albeit localised), and the change from grazing land to a suburban housing estate of this scale will bring about landscape impacts which would be difficult to mitigate (albeit acknowledging the LVIA does contain a plan showing where landscaping could be provided for to try to mitigate the impact). In view of this it is the opinion of officers that the development is not in scale and keeping with the existing landscape character and whilst issues associated with layout, external appearance would be determined at a later stage, there is no confidence that a scheme of this scale could be found acceptable in this particular location and therefore the scheme fails to conform to Policies E4 of the Lancaster District Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD.

7.3 Layout and Design Issues

7.3.1 As noted in Section 7.1.12 officers have reservations regarding the layout that has been produced although fully understanding this is illustrative for the purposes of this application and members are to be only concerned at this point in time as to the principle of developing 68 units on this 3.9 hectares of land. Nevertheless, in the event Members wished to support the application it is considered that significant amendments would need to be made at the reserved matters stage.

7.4 Highways

7.4.1 The application is accompanied by a Transport Statement (TS) which examines the sustainability credentials of the application site, and the impact that the development may have on the local highway network. The report concludes that the site is not within the most accessible part of the district for non-car modes of transport, but concludes there are facilities nearby within walking distance and there are opportunities and facilities for prospective residents to cycle to nearby. The

TS has estimated that the development would generate around 39 two-way vehicle movements in the weekday morning peak period and 33 two-way movements in the weekday afternoon peak hour period, and considers this to be negligible and concludes that there are no highway reasons to refuse the scheme.

- 7.4.2 The County have concerns given the scale of the proposed development and the impact that this may have on Junction 33 of the M6, and in Galgate and South Lancaster. They note that many junctions operate at, or beyond capacity at certain times of the day, therefore in such circumstances where additional impact from development results in increased queuing and delay it will be expected the developer will be required to demonstrate the expected impact; and where necessary provide measures to mitigate the impacts. With respect to the TS, the County are concerned that there are serious deficiencies within it, such as the means of recording the vehicle speeds, and the outputs that have been used in the assessment which includes multi modal public transports to and from the site (even though there is no public transport provision).
- 7.4.3 The County raise concern that the only real near amenity is Dolphinholme Primary School and therefore to get to other services, whether that be doctors, shops or to work, the development will rely on private car journeys leading to an over reliance on private car journeys. They consider that the proposal therefore cannot be described as sustainable development in line with the NPPF.
- 7.4.4 With respect to public transport the proposed development is not on a bus route although it is does state within the applicant's TS that there is a bus service between Lancaster and Quernmore, (however this no longer operates). Whilst there is a bus service, this is only for school use. Given the number of dwellings proposed it is unlikely in the circumstances that a development of this nature would be able to contribute towards the provision of a bus service and even if it could this is likely to be limited in service in any event.
- 7.4.5 With respect to walking or cycling, there is little in the way of quality footway links connecting the site to the wider area, however it is possible to improve footpaths within the village, but the application contains no detail of potential off-site improvements and certain locations there could be an improvement to footway, but many of these pavements are unlit. Cycling has a part to play in reducing short car journeys however the location of the site does not promote cycling by virtue of a lack of continuous footways, unlit, poor carriageway alignment and because all roads are bound by established hedgerows and mature trees, this does not promote a safe environment to cycle.
- 7.4.6 The applicants have sought to address the County's concerns and addendum has been received (on the day of the report deadline) setting out the applicant's stance. The views of the County Council will be provided verbally to members. However, given the concerns that have been raised above, it is clear that there are weaknesses within the applicant's TS that need to be addressed to allow for a full technical appraisal of the impact that the development would have on the local highway network; for instance the County state that the cumulative impact of this development has not been suitably assessed as to whether there will be a severe impact on the Galgate/Lancaster A6 corridor as well as Junction 33 of the M6. Notwithstanding this the City Council shares the County's view that the development site is not in a sustainable location for a development of this scale and therefore it is considered that the development does not comprise Sustainable Development.

7.5 Drainage

- 7.5.1 Given the site is in excess of 1 hectare the proposal is accompanied by a Flood Risk Assessment (FRA). The applicant's hydrologist has assumed there would be approximately 6,000m² of impermeable surfacing provided on the site. Infiltration testing has not been undertaken and therefore it is unclear whether the ground will be suitable for soakaways. This is not uncommon on an outline application. Many of those objecting to the scheme have done so on the basis that surface water from the development site may lead to flooding elsewhere and that the stream that runs to the west of the site floods regularly. The site is not within a flood zone however there are elements of the site that do suffer from surface water flooding. Whilst the concerns are noted, the Lead Local Flood Authority have not objected to the development and have proposed a number of conditions to address how surface water could be managed on the site, and the information supplied to date would suggest that the site can be drained with SUDS (Sustainable Urban Drainage) principles in mind. It is considered that the proposal does conform to Policy DM39 of the DM DPD and therefore whilst the concerns of local residents are noted it is considered that the scheme can be drained and that flooding will not increase elsewhere in the event of the approval of this scheme.

7.5.2 The Environment Agency (EA) have objected to the proposed development as the development involves the use of a non-mains foul drainage system in a publicly-sewered area with no justification put forward for this. The applicants have responded to the request by producing a revised FRA in April 2016 which provides for connection into the public sewer within the village and given the change in level which is 10 metres lower; a pumping station will be constructed close to the site entrance and this will be constructed to the satisfaction of United Utilities with the pumping station connected to the head of the United Utilities public sewer via a rising main. Further consultation has occurred with the EA, however at the time of writing this report their views are not known. It should be stressed that United Utilities do not raise an objection and therefore assuming the EA are satisfied it is considered that there would be no adverse impacts associated with the development.

7.6 Ecology

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

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

7.7 Trees and Hedgerows

7.7.1 There are a number of trees and hedgerows that bound the site and the application is supported by an Arboriculture Implications Assessment. There are a total of 18 individual trees within the site and 8 groups of trees together with 11 hedgerows. The applicant proposes to remove 21 metres of hedgerow (H2) and 100m of hedgerow identified as H3. An Oak tree (T2) has been identified for removal given its poor overall condition however no other trees have been identified for removal. The Tree Protection Officer has no objection to loss of the proposed hedgerows and trees on the site however does raise concern with the potential conflict with a mature large oak tree. The application is in outline with layout not being applied for, whilst the comments of the Tree Protection Officer are noted it would be unreasonable to suggest an amendment to the layout on this basis.

7.7.2 The hedgerow that is proposed to be lost to create the required visibility splay notably to the east of the site towards Abbeystead does raise concerns as there would be a swathe of land (to the east of the access) which would need to be grassed and this is considered to be a significant weakness of the scheme. Regrettably there is no proposed detailed replanting plan for this hedgerow that would be lost which would allow a judgement to be made on its loss.

7.8 Education Provision

7.8.1 A justified concern amongst many of those that have made representation is whether there is sufficient education provision within the local area. On such matters the local planning authority always takes the advice of the County Council, who act as the education authority for the district. They recommend that there would be a need for 15 additional primary school places to be provided at Dolphinholme Church of England School which equates to a financial contribution of £183,141. The County have stated that to ascertain whether secondary school places would be needed would require further instruction from the local planning authority, given that the nearest secondary schools are more than 3 miles away. This has been requested, however as yet a response has not been forthcoming. Assuming the applicant would be amenable to entering into a Section 106 agreement to secure the provision of these monies to be put towards education places, it is considered that the development would meet the requirements of Policy DM48 of the Development Management DPD.

7.9 Open Space Provision

7.9.1 Whilst the layout it is indicative, the applicants have proposed pockets of open space across the site which also double up as surface water attenuation lagoons, this is adjacent to plots 1 and 2 and to the east of Plot 38. The Public Realm Officer has stated that 1316m² of open space needs to be provided on site and this should be mown informal space where young children can play. The ponds as proposed would not be included within this calculation, however as the scheme is indicative at present this does not present any issues. Given the scale of the development the Public Realm Officer has requested the provision of a play area to be provided on the site. Both the open space requirements and the need for an on-site play facility are considered appropriate.

7.9.2 A financial contribution of £139,966 has been requested by the Public Realm Officer and the rationale is to fund improvements to the bowling green or tennis courts (£79,806); the upgrading of the kick about area in the village (£37,600); together with a financial contribution towards Greaves and Williamson Parks located in Lancaster (£22,560). Planning obligations can only be sought where they are considered necessary to make developments acceptable, directly related to the development, and fair and reasonably related in scale and kind to the development that is being proposed. The application is made in outline form, and therefore whilst officers believe that a financial contribution could go towards the likes of upgrading the kick-about area in the village, it would not be considered reasonable to require a contribution towards the bowling green and tennis courts given there are no firm plans at present to undertake improvement works, and it is considered that it would not be reasonable to require a contribution towards Williamson Park (8km away and Greaves Park (7.8km away) simply based on the distance to these parks. Notwithstanding the above, should Members determine to approve the scheme it is recommended that the principle of seeking a financial contribution towards the upgrading of facilities within the Parish be sought by means of legal agreement to be further assessed should a reserved matters application be determined acceptable.

7.10 Cultural Heritage

7.10.1 The proposed development is approximately 100 metres to the south of Lower Starbank Farm which is a Grade II listed building, given the distance, and subject to appropriate design it is not considered that the setting will be unduly harmed. The views of the Conservation Officer are awaited and it is considered that the scheme complies with Policy DM30 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 heritage asset would be preserved on the basis of a scheme to be assessed at reserved matters stage. No response has been received from the County Council's Archaeologist and therefore in the absence of advice to the contrary, it is assumed that the site does not have the potential to contain any buried archaeology that would need to be preserved in situ.

8.0 Planning Obligations

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

- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs and viability);
- Education contribution of £183,141 for primary school places and secondary school contribution to be agreed;

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 Due to the scale of the proposed development relative to the size of Dolphinholme, it is considered that the proposal is disproportionate to the existing scale and character of the village, and as a consequence the development would have an unacceptable landscape impact. The Environment Agency has raised an objection to the proposal based on the foul water arrangements for the site and therefore it is questionable whether the infrastructure is in place for such a development of this

scale. Officers and the Highways Authority share the view that a development of this scale in the village cannot represent sustainable development, as the village has no bus service provision and travelling by other means of sustainable transport methods such as walking and cycling is prohibitive due to the make-up of the local roads. The highways authority have significant concerns regarding the quality of the submitted transport statement and due to this there may well be a severe impact on the local highway network as a result of this scheme.

- 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. The development is not well related to the existing scale and character of Dolphinholme and it is not considered that exceptional circumstances exist, nor is it considered to be a site whereby the environment and infrastructure can accommodate the scale of the proposed development and it is considered that there would be a detrimental impact to the character and quality of the landscape. The proposed development is therefore not sustainable development and thus fails to adhere to Policies DM28, DM35, DM41, and DM42 of the Development Management DPD and Policy E4 of the Lancaster District Local Plan, Policy SC1 of the Lancaster Core Strategy and Paragraphs 7 and 14 of the National Planning Policy Framework.
2. The Transport Statement submitted in support of the application has been found to be lacking in detail and the local planning authority, in consultation with the highways authority, consider that the cumulative impact of the development has not been adequately assessed and therefore there could be a severe impact at Junction 33 of the M6 and the A6 corridor through Galgate to Lancaster and therefore the development is contrary to Policies DM20 and DM35 of the Development Management DPD, Policy E2 of the Lancaster District Core Strategy and Paragraph 32 of the National Planning Policy Framework.
3. 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 and DM42 of the Development Management DPD, and Paragraphs 7 and 14 of the National Planning Policy Framework.

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

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

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