

<b>Agenda Item</b> A10	<b>Committee Date</b> 9 January 2016	<b>Application Number</b> 16/01226/OUT
<b>Application Site</b>  Land South Of Aldcliffe Hall Lane Lancaster Lancashire		<b>Proposal</b>  Outline application for erection of up to 11 dwellings with associated access
<b>Name of Applicant</b>  Mr M Mister		<b>Name of Agent</b>  Mr Avnish Panchal
<b>Decision Target Date</b>  20 January 2017		<b>Reason For Delay</b>  None
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Refusal

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

- 1.1 This application relates to part of a large agricultural field adjacent to the small settlement of Aldcliffe, which is situated to the south west of Lancaster. The site is located on the southern side of Aldcliffe Hall Lane opposite existing residential development on Oaklands Court and Craiglands Court and is just under 2.3 hectares in area. There is a significant change in levels across the site, rising from around 9m Above Ordnance Datum (AoD), in the north west corner, to approximately 24m AoD in the south east corner. To the east of the site is a public footpath which provides a link between Aldcliffe Hall Road and the Lune Estuary footpath. The boundary between the site and the highway comprises a mixture of stone wall and hedgerow. There is also a group of trees protected by a Tree Preservation Order approximately half way along the site's frontage, in addition to another group of protected trees along the north eastern boundary, close to the public footpath. There is also a hedge along this boundary.
- 1.2 To the north of the site are some detached properties, mainly fronting onto Oaklands and Craiglands Court but also two fronting onto Aldcliffe Hall Lane. These are at a lower level than most of the site. To the east, beyond the public footpath, is a group of detached dwellings on Aldcliffe Mews which has access onto Aldcliffe Hall Lane. To the south and west is the remainder of the field with further agricultural land beyond this up to the Lune Estuary footpath approximately 410 metres to the west and Arna Wood Farm, approximately 600m to the south.
- 1.3 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map. It is also within a Mineral Safeguarding Area. The Lune Estuary is located approximately 440m to the west and is designated as a Site of Special Scientific Interest (SSSI). The Estuary is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. The Lancaster Canal is designated as a Biological Heritage Site (BHS) and is approximately 450m to the east.

## **2.0 The Proposal**

- 2.1 The appeal relates to an outline proposal for the erection of up to 12 dwellings. All matters are reserved with the exception of access which is proposed to be created off Aldcliffe Hall Lane

opposite the existing access onto Oaklands Court. This will involve the removal of part of a stone boundary wall and hedgerow and the creation of a footway to part of the frontage with Aldcliffe Hall Lane.

### **3.0 Site History**

3.1 An outline planning application was submitted in 2014 for the erection of up to 12 dwellings on this site, although the site boundary was slightly larger (14/00626/OUT). It was refused for the following reasons:

1. *In order to achieve adequate visibility at the site's point of access, to create a safe and appropriate means of access and safe refuge for pedestrians, extensive works and hedge removal would be required which would overly-urbanise this stretch of rural road and the locality in general, to the detriment of the existing hamlet and surrounding rural landscape. The proposal is therefore contrary to the aims and objectives of the NPPF, in particular the Core Planning Principles and Sections 7 and 11, saved policy E4 of the Lancaster District Local Plan, policies SC1, SC5 and E1 of the Core Strategy and emerging policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document.*
2. *Given the location of the site close to the Lune Estuary Site of Special Scientific Interest and the Morecambe Bay Special Protection Area, there is potential for the development to impact on these designated sites, in particular relation to birds associated with the SPA. There is currently insufficient information to determine whether the likelihood of significant effects on the nearby designated sites can be ruled out and as such the Local Authority is unable to comply with the Habitats Regulations. The proposal is therefore contrary to the NPPF, in particular the Core Planning Principles and Section 11, saved policy E12 of the Lancaster District Local Plan, policies SC1 and E1 of the Core Strategy and emerging policy DM27 of the Development Management Development Plan Document.*
3. *By reason of the site's predominantly elevated position to the south of the existing settlement and the area occupied by the proposal, the development will appear overly-prominent, poorly related to the hamlet, conflicting with the natural grain of the low coastal drumlins and as a consequence will unacceptably encroach on the countryside to the detriment of the character and appearance of the landscape. The proposal is therefore contrary to the NPPF, in particular the Core Principles and Section 11, saved policy E4 of the Lancaster District Local Plan, policies SC1, SC5 and E1 of the Core Strategy and emerging policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document.*

3.2 A subsequent appeal was submitted and this was considered through the Informal Hearing procedure. During this, further information was submitted to overcome the second reason for refusal, in relation to the ecologically designated sites. However, the Inspector dismissed the appeal on the other two reasons. It was concluded that: *"the adverse environmental impacts on the character and appearance significantly and demonstrably outweigh the benefits that have been identified including the contribution to housing supply. As such the appeal proposal does not constitute the sustainable development for which there would be a presumption in favour of"*.

### **4.0 Consultation Responses**

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

Consultee	Response
Environmental Health	No comments received during the statutory consultation period.
Tree Protection Officer	<b>No objection</b> subject to conditions requiring: the development to be carried out in accordance with the Arboricultural Implications Assessment and Arboricultural Method Statement; and the submission of a landscaping scheme.
Engineering Team	<b>Comments.</b> The post-development runoff rate should be restricted to the Greenfield QBAR rate for all return periods up to and including the 1 in 100 year + 30% allowance for climate change critical storm for the entire site. Wherever possible, post-development drainage should mimic the pre-development regime.

<b>County Highways</b>	<b>No objection</b> subject to conditions requiring: the access to be created to base course before construction commences; and a scheme for off-site highway works (to influence vehicle speeds).
<b>County Planning</b>	No comments received during the statutory consultation period.
<b>Lead Local Flood Authority</b>	No comments received during the statutory consultation period.
<b>Public Rights of Way Officer</b>	No comments received during the statutory consultation period.
<b>Natural England</b>	<b>No objection.</b> The proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment
<b>RSPB</b>	No comments received during the statutory consultation period.
<b>Lancaster Civic Society</b>	<b>Object.</b> Raises concerns about development on greenfield land, lack of public transport, increase in traffic and impact on highway safety.
<b>Ramblers Association</b>	No comments received during the statutory consultation period.
<b>United Utilities</b>	<b>No objection</b> subject to conditions requiring: foul and surface water to be drained on a separate system; submission of a surface water drainage scheme; and submission of a management and maintenance plan.
<b>Electricity North West</b>	<b>Comments.</b> The development could have an impact on Electricity North West's Infrastructure.
<b>Lancashire Constabulary</b>	<b>No objections.</b> Suggest security measures be incorporated into the design.
<b>Fire Safety Officer</b>	No comments received during the statutory consultation period.

## **5.0 Neighbour Representations**

5.1 43 items of correspondence have been received, objecting to the application and raise the following concerns:

- Traffic and highway related objections, including: impacts upon cyclists, horse-riders and pedestrians; unsuitable access onto single-track road with no footpaths or passing places; and increase in traffic; capacity of the highway network;
- Sustainability objections, including: no access to services/public transport and detachment from main urban part of Lancaster;
- Landscape and visual impact objections, including: adverse visual impacts due to elevated position, including from the Lune estuary path; impact on landscape character including through major alterations through the terracing of land; urbanisation of the area; loss of important green space; impact on the character and appearance of Aldcliffe including its heritage;
- Residential amenity objections, including: loss of privacy, and increase in noise and disturbance;
- Environmental objections, including: impact on mature trees and hedgerows; impact on wildlife and habitats, including migratory birds; proximity to environmentally-protected sites;
- Flooding, surface water run-off and capacity of sewerage system with land in the area used for disposal of effluent from United Utilities plant;
- Housing supply objections, including: type of housing proposed would not meet a local housing need; site or area is not identified within the current or emerging Local Plan as suitable for housing;
- Other reasons, including maintenance and anti-social behaviour issues caused by the proposed open space area and footpath link; no economic benefits; loss of agricultural land; creation of a precedent for further housing; and that the scheme has not significantly altered from that previously refused and dismissed at appeal.

5.2 9 pieces of correspondence have been received in support of the proposal. They raise the following points:

- Aldcliffe is a desirable place to live and most housing is too expensive for most households;
- There is a demand for housing in the area and in general and the site will provide rural housing close to Lancaster City Centre;
- Plans are sympathetic to the area;
- Will provide improvements to the highway and for pedestrians
- There are amenities and employment within walking or cycling distance

- Will provide more trees which will enhance the landscape and wildlife.

5.3 Correspondence has also been received from Councillors Gina Dowding, Abi Mills and Jon Barry which raise objections to the proposal and set out the following concerns:

- Impact on the character and appearance of the surrounding area and urbanisation of the countryside;
- Impact on trees, hedges and wildlife;
- Increase in traffic and impact on highway safety of drivers, pedestrians and cyclists;
- Unsustainable location with no nearby facilities or amenities; and
- The site is not included in the emerging local plan for housing.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles  
 Paragraph 32 – Access and Transport  
 Paragraphs 49 and 50 - Delivering Housing  
 Paragraphs 56, 58 and 60 – Requiring Good Design  
 Paragraph 109 – Protecting and Enhancing Valued Landscapes  
 Paragraph 118 – Conserving and Enhancing Biodiversity

### **6.2 Local Planning Policy Overview – Current Position**

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

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

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

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

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

### **6.3 Lancaster District Core Strategy (adopted July 2008)**

SC1 – Sustainable Development  
 SC3 – Rural Communities  
 SC5 – Achieving Quality in Design

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

E4 – Countryside Area

6.5 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM35 – Key Design Principles

DM41 – New Residential Development

DM42 - Managing Rural Housing Growth

6.6 Other Material Considerations

Joint Lancashire Minerals and Waste Local Plan – Site Allocations and Development Control Policies - Policy M2 – Safeguarding Minerals.

A landscape strategy for Lancashire: Landscape Strategy and Landscape Character Assessment – 2000.

**7.0 Comment and Analysis**

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

- Principle of development
- Layout and landscape impact
- Impact on residential amenity
- Access and highway impacts
- Impact on Trees
- Ecological Impacts
- Drainage and Flood Risk
- Affordable housing
- Mineral Safeguarding

7.2 Principle of development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits. Policy DM42 also goes on to say that proposals for housing in other rural settlements will be supported if it can be demonstrated that the development will enhance or maintain the vitality of the local community and proposals lacking a sufficient justification will be considered under the Rural Exception Sites criteria.

7.2.2 The site is located adjacent to the small settlement of Aldcliffe, which does not contain any shops or services and is not identified in Policy DM42. It is outside the settlement boundary of Lancaster, with the nearest part of the identified urban area located approximately 460m to the north east, comprising the Haverbreaks Estate. This is on the opposite side of the canal which provides some visual separation and the access into this estate is located approximately 740m to the north east of the site. The edge of the urban area on the western side of the canal is approximately 690m to the north east of the site (in a straight line). There is a clear distinction between the urban area of Lancaster and the small settlement of Aldcliffe which is separated by fields on the western side of Aldcliffe Road. There are also groups of trees on the eastern side of the canal which provide some screening of the houses on Haverbreaks.

7.2.3 The proximity to Lancaster City Centre must be acknowledged and considered in assessing the sustainability of the site. There are no footpaths along Aldcliffe Hall Lane or Aldcliffe Road between the site and the first house on the edge of the built up area on the western side of Aldcliffe Road. There is access along Aldcliffe Hall Drive, which is close to the site and has footpaths along part of the road with limited use by vehicles beyond this. This provides a route up to the canal towpath on the opposite side of Aldcliffe Road which links to the footpaths on either side of Aldcliffe Road but also continues to the centre of Lancaster. The distance from the site to services in the centre of Lancaster is approximately 2km by road/path. The site does suffer from a lack of public transport, with the nearest bus stop located on the A6 in front of the hospital, approximately 1.9km from the site, and the train station approximately 2.1km from the site.

7.2.4 In terms of general housing need, the 2015 Housing Land Supply Statement illustrates that only 3.4 years of housing supply can be demonstrated, with a persistent undersupply of housing. As such, a 5 year supply of housing land cannot currently be demonstrated. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. For decision making this means granting planning permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF; or*
- *Specific policies in the NPPF indicate development should be restricted.*

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

7.2.5 Given the proximity of Aldcliffe to the built up area of Lancaster, the site cannot be considered to be wholly geographically unsustainable. It is acknowledged that the majority of journeys are likely to take place by car, however, there are opportunities available to walk or cycle to workplaces within the centre of Lancaster or to public transport in the form of the train and bus. In addition, the site is in close proximity to main recreation routes along the River Lune Estuary and the Lancaster Canal. However, although in close proximity, Aldcliffe remains a separate settlement. The proposal does not demonstrate how it enhances or maintains the vitality of the local community. It does not have local support showing positive engagement with the community, or offer solutions to any the issues regarding access to services.

7.2.6 The proposal would provide an important contribution towards housing supply within the District although does not fully address the needs identified. It is adjacent to the existing development within Aldcliffe which has strong links to Lancaster. However, there are concerns with how the site and the proposed development relates to the existing settlement. There are deficiencies in terms of the sustainability of the location, however it is not considered that the principle of development within Aldcliffe can be ruled out, and 6 dwellings have been previously granted consent on another site within the settlement. The location of the development, in terms of its sustainability was not one of the reasons for refusal in relation to the previous application. However, it was one of the issues considered by the Planning Inspector when assessing the appeal. The Inspectorate agreed with the Council's approach when determining the previous application and set out that Aldcliffe would be a sustainable location for the scale of development proposed and, given the lack of a five year supply of deliverable housing land, the NPPF's presumption in favour of development would apply to the appeal proposal. It is therefore considered that the principle of this relatively small scale development is considered acceptable.

### 7.3 Landscape and Visual Impact

7.3.1 Although the proposal only seeks approval of the access at this stage, an indicative layout has been provided to show how 11 dwellings could be accommodated. This shows 11 dwellings on either side of a single access road through the site. The submission sets out that the revised and reduced scheme has largely been landscape led in order to achieve an acceptable solution. It goes on to say that three of the units at the highest point of the site are now proposed as single storey bungalows to reduce the visual impact and the layout will be similar to that on Oaklands Court to the north. Buildings are proposed to be stepped to accommodate the slope and hedgerows provided around the site boundaries. There appears to be no alterations to the proposed access point which would be opposite Oaklands Court. The main differences between the current and previous application are a slight reduction in the site boundary and the removal of one dwelling.

- 7.3.2 There is a significant change in levels across the site, rising from around 9m Above Ordnance Datum (AoD) in the north west corner, to approximately 23m AoD in the south east corner. It is acknowledged that this change is over a large site, however it does mean that the majority of the dwellings will be at a higher level than the adjacent development to the north and some significantly higher. Although on plan the development may appear to be rounding-off of the existing settlement, given the levels of the land and the nature of the site, which is part of a larger field within a drumlin landscape, it is not considered to be well-related to the existing development. It will appear overly dominant in relation to the existing properties and will appear overly-prominent within the landscape. It will be particularly visible from the adjacent public footpath and would impact on views from the Lune Estuary path. Although only a maximum of 11 houses is proposed, the development will be spread out over a large area which will increase the visibility of the development and its encroachment into the landscape.
- 7.3.3 When considering the previous application during the appeal process, the Planning Inspector set out that: *“the position of the appeal proposal at the rural edge of Aldcliffe on land that is conspicuously elevated in a locally important and distinctive landscape of low coastal drumlins along the Lune Estuary would mean that the appeal proposal would have a significant and demonstrable adverse impact on the wider landscape and the localised character of Aldcliffe Hall Lane. The harm would be experienced from numerous public vantage points within a tranquil estuarine environment which is widely used for recreation purposes including the nearby River Lune Millennium Park Multi-use. Due to the rising landform, which has the characteristics of a drumlin, the harm would not be capable of effective mitigation in the short to medium term. As such the incongruously exposed extension to the pattern of settlement at Aldcliffe would be contrary to the established strategy for managing this distinctive landscape.”* It is not considered that the alterations made to the scheme would overcome the concerns.
- 7.3.4 There are also significant concerns regarding the alteration required in order to create the access to the site. Visibility splays of 31 metres in one direction and 33 in the other are proposed and this would require a significant amount of excavation, given the height of the land above the highway, and the removal of over stone walls and hedgerows. Although it is accepted that there is existing development on the northern side of this highway, the character of the southern side strongly emphasises the rural nature of Aldcliffe Hall Lane and the settlement as a whole. In the appeal decision the Inspector set out that: *“Whilst this would not affect the protected trees to the east and west of the proposed access it would nonetheless remove a significant length of hedge and established stone walling across an approximate 60 metre frontage. The appellant submits that replacement stone wall and hedging would be provided. However the initial impact would be a striking denudation of the verdant qualities on this rural part of Aldcliffe Hall Lane, irrespective of the age or species mix of the hedge lost. Whilst the proposed replacement perimeter hedging and new stone walling would partially offset the harm, it would take time to become established leaving a notable interim period when the full extent of the harmful loss of the existing rural boundary would be experienced. In any event, the proposed planting would not disguise or compensate the scarring effect that would result from the appreciable gouging into the established bank to form a replacement retaining arrangement for the higher land levels of the appeal site. Because the retaining walls and hedging would be set back behind visibility splays and footways, the result would be a particularly urban, highways dominated threshold to the proposed development. This would conspicuously contrast with the established rural character along the southern edge of the lane.”*
- 7.3.5 The Core Planning Principles of the NPPF sets out that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Policy DM28 of the DM DPD sets out that the Council will support development which is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping. DM35 sets out that new development should make a positive contribution to the surrounding landscape and it should contribute positively to the identity and character of the area through good design. Policy DM42 sets out general requirements of rural housing and in particular states that proposals should demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.
- 7.3.6 For the reasons set out, it is considered that the development would appear overly-prominent and impact on the character and appearance of the landscape, conflicting with the natural grain of the

low coastal drumlins which provide some screening to the existing development. It would unacceptably encroach on the countryside to the detriment of its character and appearance. The works required to create the access would urbanise this rural lane, significantly altering the character and appearance of the immediate locality to the detriment of the existing settlement and the surrounding rural landscape. The proposal is therefore considered to be contrary to both local and national policy in relation to landscape and visual impact. It is unlikely that any development on this site could overcome the issues that were clearly outlined during the previous planning application and subsequent appeal.

#### 7.4 Residential Amenity

- 7.4.1 Given the difference in levels between some of the site and nearby residential properties, there is potential for overlooking. However, given the size of the site, the proposed development could potentially be accommodated without causing a detrimental impact on the amenity of the neighbouring properties.

#### 7.5 Access and Highway Impacts

- 7.5.1 The application seeks consent for a vehicle access onto Aldcliffe Hall Lane, opposite the access onto Oaklands Court. Approximately 15m to the west of the proposed access is a sharp bend which restricts visibility. The road is subject to a speed limit of 30mph and, in the vicinity of the site, does not benefit from footways and is bounded by mature hedgerows, trees and private property boundaries. County Highways have raised no objection to the scheme, on the basis of the proposed access shown on the submitted plan. Many concerns have been raised with regards to impact on highway safety, by members of the public. However, this issue was considered in detail during the previous planning appeal, and the Planning Inspector concluded that the effect of the access arrangement on the safety of vehicular and other highway users on Aldcliffe Hall Lane would not be severely detrimental. As such it was not considered to conflict with paragraph 32 of the NPPF.

#### 7.6 Impact on Trees

- 7.6.1 There is a Tree Preservation Order affecting trees within the site and Lancaster Canal is designated a Biological Heritage Site (BHS) is established to the north east of the site beyond Aldcliffe Hall Lane. Trees are important component features along the canal making a significant contribution to the BHS and associated wildlife communities. Trees are by and large established to the north and east of the site, and are clearly visible from a range of public vantage points, making a positive contribution to the character and appearance of the site and wider locality. Many of the trees are in good overall condition and have long remaining useful life potential.
- 7.6.2 There is a range of tree works identified within the submitted tree survey and these proposals are considered to be acceptable. It is the intention of the applicant to retain and protect existing trees. There will be a requirement to remove hedging to access the site. New tree and hedgerow planting is proposed, including provision for a new woodland compartment to the east of the site. In principle these proposals are acceptable, subject to submission and agreement of a detailed scheme and maintenance regime subject to a suitable planning condition should consent be granted. It is not considered that the proposal will have a detrimental impact on trees within and adjacent the site, subject to appropriate conditions to ensure that they will be adequately protected during construction and appropriate additional planting is agreed. The main concerns regarding the loss of the hedgerow relate to those raised with regards to the negative landscape and visual impact caused by the creation of the access.

#### 7.7 Ecological Impacts

- 7.7.1 The Lune Estuary is located approximately 440m to the west and is designated as a Site of Special Scientific Interest (SSSI). It is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. The former is a national designation with the latter covered by European legislation. In order to comply with the Habitats Regulations, the local authority, in determining the proposal, must have regard to any potential impacts. It must be determined whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England has advised that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.



7.7.2 An extended Phase 1 Habitat Assessment has been submitted with the application and was undertaken at an appropriate time of year. The site consists largely of agriculturally improved grassland with bordering hedgerow and wall in addition to some groups of trees. The report sets out that the site is not diverse in terms of habitat types or characteristics and, despite a sloping aspect, species diversity, especially in the grassland, is both very low and uniform across the site. The habitat with greatest ecological value is the hedgerow and trees. The hedges provide good dense bird nesting habitat and provide flight-lines for bats. The hedgerows were assessed against the Hedgerows Regulations 1997 criteria to see if they met the definition of 'important hedges.' However although over 5 woody species were present overall across the site, these were not present within representative 30m sections. Therefore, as none of the Associated Features criteria were also met, no hedge on the site was considered to meet the 'important hedge' definition. All of the mature trees are proposed to be retained.

7.7.3 The trees on the site were inspected for their potential to support a bat roost. The mature trees were inspected for holes and crevices which might provide potential for bats. Ground inspection identified a considerable number of features of potential importance for bats among many of the mature trees on site. It is concluded that, as the trees will be retained on the site, no further bat survey will be required. There is potential for impacts on bats from lighting associated with the development, however a scheme could be conditioned.

## 7.8 Drainage and Flood Risk

7.8.1 The submission sets out that foul water will discharge into the public sewer. United utilities have raised no concerns with regards to capacity of the sewerage network in this area. A Flood Risk assessment has been submitted with the application given the size of the site, although it is within Flood Zone 1. This sets out that: there are no recorded instances of historic flooding on the site; the risk of fluvial flooding is very low; the risk of flooding from canals, reservoirs and other artificial sources is low; the flood risk from groundwater is low; the risk from sewer flooding and pluvial runoff is low; and the risk of flooding from the development drainage is low. It is intended that surface water attenuation will be provided within the site and proposals will be designed so as not to affect the existing situation. Given the size of the site, it is considered that there is sufficient space for appropriate measures to be incorporated to adequately deal with surface water and can be controlled by condition.

## 7.9 Affordable housing

7.9.1 The Council's affordable housing policy requires a provision of up to 40% of affordable housing on greenfield sites for this scale of development. However as the application seeks up to 11 houses, n affordable housing would be required to be affordable if 10 dwellings or fewer was constructed. The submission sets out that 4 affordable houses would be provided within the site. However, it does not appear that the applicant has engaged a Registered Provider for the purposes of owning and managing such dwellings. Given the location of the site and the type of dwellings proposed it is not clear whether a Registered Provider would be interested. A S106 agreement would be required to secure this.

## 7.10 Minerals Safeguarding

7.10.1 The majority of the site is within a safeguarding area for minerals. The County Council, who are the minerals authority, previously raised an objection setting out that development will not be supported that is incompatible with mineral safeguarding as set out in Policy M2 of the Joint Lancashire Minerals and Waste Local Plan, although now response has been raised in relation to the current application. The NPPF sets out that local authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. There is a considerable area to the north and south of Aldcliffe which is identified for mineral safeguarding.

7.10.2 Policy M2 of the Minerals and Waste Local Plan sets out that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the local planning authority that:

- The mineral concerned is no longer of any value or has been fully extracted.

- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

7.10.3 A mineral resource assessment has been submitted. This sets out that in the context of the amount of land safeguarded for this purpose within Lancaster District, it is insignificant. Given the nature of land uses within this area it is highly unlikely that the extraction of sandstone would ever occur, given the potential harm to amenities of residents. There is also clear and demonstrable evidence within the Council's 2014 Housing Land Monitoring Report (HLMR) that there is an 'overarching need' for housing in the District and this alone is reason to set aside Policy. It is therefore not considered to be a reason to refuse the application.

## **8.0 Planning Obligations**

8.1 A Section 106 Agreement would be expected to secure upto 40% provision of affordable housing (percentage, tenure, size, type, phasing to be agreed at Reserved Matters stage based on local housing needs and viability).

## **9.0 Conclusions**

9.1 The site is not within a settlement which has been identified as being suitable for growth. However, it is close to the urban area of Lancaster with footpaths and cycle links. The Council does not have a five year land supply of housing and as such the application should be considered in the context of the presumption in favour of sustainable development. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.

9.2 The NPPF does not define sustainable development in narrow terms and sets out at paragraphs 6 to 9 that the three dimensions of sustainable development (economic, social and environmental) must be sought jointly and simultaneously. There is little evidence on the economic benefits of the proposal, other than to draw a generalised conclusion that it would result in employment during the construction phase. In terms of the social dimension of sustainability the appeal proposal would be safe in highway terms and would not result in a severe residual harm to detriment of the health of users on the local highway network. However, this is an expected requirement of development and as such it is neutral effect rather than a positive benefit. The proposal would provide new homes including either a proportion of affordable housing on-site or a contribution towards such provision elsewhere. In terms of the environmental dimension of sustainable development, the position of the appeal proposal at the rural edge of Aldcliffe on land that is conspicuously elevated in a locally important and distinctive landscape of low coastal drumlins along the Lune Estuary would mean that the proposal would have a significant and demonstrable adverse impact on the wider landscape and the localised character of Aldcliffe Hall Lane. The harm would be experienced from numerous public vantage points within a tranquil estuarine environment which is widely used for recreation purposes including the nearby River Lune multi-use path. As such, the incongruously exposed extension to the pattern of the settlement at Aldcliffe would be contrary to the established strategy for managing this distinctive landscape.

9.3 It is therefore considered that that the adverse environmental impacts on the character and appearance of the landscape significantly and demonstrably outweigh the benefits that have been identified, including the contribution to housing supply. It is therefore not considered that the proposal constitutes sustainable development.

## **Recommendation**

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

1. In order to achieve adequate visibility at the site's point of access, to create a safe and appropriate means of access and safe refuge for pedestrians, extensive works and hedge removal would be

required which would overly-urbanise this stretch of rural road and the locality in general, to the detriment of the existing hamlet and surrounding rural landscape. The proposal is therefore contrary to the aims and objectives of the NPPF, in particular the Core Planning Principles and Sections 7 and 11, saved policy E4 of the Lancaster District Local Plan and policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document.

2. By reason of the site's predominantly elevated position to the south of the existing settlement, and the area occupied by the proposal, the development will appear overly-prominent, poorly related to the hamlet, conflicting with the natural grain of the low coastal drumlins and as a consequence will unacceptably encroach on the countryside to the detriment of the character and appearance of the landscape. The proposal is therefore contrary to the NPPF, in particular the Core Principles and Section 11, saved policy E4 of the Lancaster District Local Plan, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document.

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

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report.

### **Background Papers**

None