

Agenda Item	A6
Application Number	23/00567/OUT
Proposal	Outline application for erection of 7 dwellings with associated access and landscaping
Application site	Land South Of Aldcliffe Hall Lane Aldcliffe Hall Lane Aldcliffe Lancashire
Applicant	Mr M Mister
Agent	Mr Jake Salisbury
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Refusal

(i) Procedural Matters

This application would normally be determined under delegated powers. However, an employee of the Planning and Climate Change Service holds an interest in this development proposal. For this reason, in the interests of transparency, the application is reported to Planning Committee for determination.

1.0 Application Site and Setting

1.1 This application relates to parts of two large agricultural fields situated to the southern side of Aldcliffe Hall Lane on the periphery of the small settlement of Aldcliffe, which is situated to the south west of Lancaster. The site is located opposite existing residential development on Oaklands Court and Craiglands Court. The site as defined by the red edge development area is just under 0.5 hectares in area, however, the blue edge is larger and includes the surrounding agricultural fields. There is a significant change in levels across the site, rising from around 9m Above Ordnance Datum (AOD) where the current field gate is located. Levels increase in an east-southeast direction from this lower part of the site rising up the drumlin first gently and then more steeply in the south eastern corner which sits at a height of approximately 16.2mAOD. Levels continue to increase outside of the red edged area as the drumlin increases in height. The top of this drumlin is situated at approximately 22mAOD. At the higher parts of Aldcliffe Hall Lane to the east and near Ivy Cottage, the boundary between the field (edged blue) and the lane is formed by a notable level change and a tall stone retaining wall, a row of mature trees (protected by a Tree Preservation Order) line the boundary. In the eastern part of the site, the level change between the development site and Aldcliffe Hall Lane continues for a short time though is much reduced until the lowest part of the development site becomes approximately level with the lane.

1.2 Tall mature hedgerows form this part of the northern boundary with the lane. These hedgerows continue towards the west and are interrupted by a double width field gate. Following this, hedgerows line the length of the lane down to the estuary footpath. Within the site and close to the field gate is an electricity substation and United Utilities pumping station and sewer. A hedgerow extends through the site from north to south separating the agricultural fields. This hedgerow features gaps allowing access between the two fields. The southern boundary of the development

site remains open. A small area of marsh like grasses is located within a small depression in the southern area of the site which corresponds with an area identified as being susceptible to surface water flooding (medium risk (1 in 100)). The site is clearly viewed from Aldcliffe Hall Lane. Furthermore, to the east of the site is a public footpath which provides a link between Aldcliffe Hall Lane and the Lune Estuary footpath. Both footpaths provide wider reaching landscape views of the development site.

1.3 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. West Lodge which is located opposite the current field gate and Ivy Cottage located opposite the tall stone retaining wall are both identified as a non-designated heritage assets (NDHA) within the Aldcliffe with Stodday Neighbourhood Development Plan (NDP). To the east, beyond the blue edged area and 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 a farm, approximately 600m to the south.

1.4 The site is located within the boundary of the Aldcliffe with Stodday Neighbourhood Development Plan (NDP). The NDP and associated Design Code document identifies a series of important views (figure 39), one being 'View 2' located along Aldcliffe Hall Lane. The site lies within the Low Coastal Drumlins Landscape Character Area as identified within Map 3 of the NDP. It is located within the Open Countryside Area, as identified within the Local Plan Proposals Map and within a Mineral Safeguarding Area. The site also falls within the Article 4 Direction area controlling the provision of Houses in Multiple Occupation. Aldcliffe Hall Lane is an adopted unclassified 30mph road. Trees within the wider site and located on the opposite side of Aldcliffe Hall Lane are subject to a Tree Preservation Order. A public right of way extends around the south-southeast of the wider site and connects with Lune Estuary path. The site lies within flood zone 1, however, there is a small pocket of medium surface water flood risk within the southern area of the development site. The Lancaster Canal is designated as a Biological Heritage Site (BHS) and is approximately 450m to the east. 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 designations.

2.0 Proposal

2.1 This planning application relates to an outline proposal for the erection of 7 dwellings. An amended planning application form was received during the determination period which sets out that this outline application also includes approval for access and landscaping. It is on this basis that this application is being determined. The proposed access to the site from Aldcliffe Hall Lane is situated in the approximate location of the current double field gate access. The proposal also involves the creation of a footway to part of the frontage with Aldcliffe Hall Lane.

2.2 The proposal also seeks approval for landscaping. However, no specific details of landscaping have been provided as part of the application. Some very basic landscaping details are contained on the Indicative Site Layout Plan.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
14/00626/OUT	Outline application for the erection of up to 12 dwellings	Refused
15/00009/REF (APP/A2335/W/15/3033373)	Outline application for the erection of up to 12 dwellings	Appeal dismissed

16/01226/OUT	Outline application for erection of up to 11 dwellings with associated access	Refused
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4.0 Consultation Responses

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

Consultee	Response
County Highways	Concerns are raised with regards to the proposed access arrangements. The County Highways Officer requests that the visibility splays for the access be determined by the 85 percentile speed based on a 7 day traffic count, that the developer provide a swept path analysis to ensure that larger vehicle can access the development, the proposal provide a 2m footway along Aldcliffe Hall Lane to provide a crossing point with tactile paving tiles to Craiglands Court and that should the additional footway narrow Aldcliffe Hall Road to less than 4.2m, a priority working scheme may be required.
Environmental Health Officer	No objections, conditions requested regarding contaminated land assessment and electric vehicle charging infrastructure.
Engineering Team	No response received.
Electricity North West	Identifies infrastructure within the development site. Standard guidance literature regarding working requirements close to electricity infrastructure is provided.
Fire Safety Officer	Advice provided regarding building regulation requirements.
Lead Local Flood Authority	Upon submission, the application was wrongly described as for the erection of 11 dwellings thereby defining the proposal as major development. To this proposal the LLFA raised an objection due to the lack of a site-specific flood risk assessment and surface water drainage strategy. The applicant has since reduced the quantum of development to 7 dwellings. The LLFA have not commented on this application as 'minor development' falls outside of their statutory consultation requirement.
Mineral Safeguarding	No response received.
Natural England	No objection subject to conditions requiring the agreement of a Homeowner Information Pack and Construction Environment Management Plan.
Parish Council	<p>Objection raised on the following summarised grounds:</p> <ul style="list-style-type: none"> - Aldcliffe is not a sustainable settlement. - The proposal does not comply with NDP Policy ASNP5 regarding housing provision. - The proposal conflicts with the requirements of Policy ASNP3, the proposal would result in significant harm to the special landscape character of Low Coastal Drumlins. - The proposal could result in harm to the Lune Estuary and the associated ecological designations. - The proposal would result in harm to or loss of lengths of hedgerow. - Development would have an adverse impact upon the setting and significance of NDHAs. - The proposal would result in highway safety concerns along Aldcliffe Hall Lane. - The site is subject to surface water flooding, not just in the location identified on the Flood risk maps for surface water.

Public Rights of Way Officer	No response received.
Ramblers Association	No response received.
Arboricultural Officer	Raises concerns regarding the loss of hedgerow H3 which should be incorporated into the development, the tree protection plan is based on the retention of the boundary hedgerows H1 and H2 which directly conflicts with the proposed entrance layout and the Arboricultural Implications Assessment (AIA) which requires their removal and relocation, the AIA also suggests that hedgerows H2 and H3 can be translocated, although it is not clear where these hedges would be translocated to, or if this is feasible given the distance they would have to be moved.
United Utilities	Raises concerns regarding the location of the development, including the access arrangement and the impacts upon United Utilities infrastructure.
Conservation Team	Objection, the development would result in harm to the setting of West Lodge, a non-designated heritage asset.
Cadent Gas	No objection, advice note relating to Cadent Gas Standard guidance literature is requested

4.2 The following responses have been received from members of the public:

- 67 letters of objection have been received by the Local Planning Authority raising the following summarised concerns:
 - Access and highway safety concerns arising from increased traffic within the village
 - Flood risk and increased drainage issues arising from development of the site
 - Increased surface and ground water flood risk
 - Provision of 'Village Green' would give rise to impacts upon existing privacy levels
 - Risk of crime and antisocial behaviour
 - Impact of development upon electricity substation and pumping station
 - Lack of public amenities and transport within the village
 - Impact of residential amenity through overlooking
 - Conflicts with the Neighbourhood Development Plan
 - Visual harm to the character and appearance of the low coastal drumlin landscape
 - Highway safety concerns arising from the construction phase
 - Loss of land for agricultural purposes
 - Impact upon the setting of non-designated heritage assets
 - The proposal does not meet clearly identified local housing needs
 - Loss of biodiversity and impacts upon wildlife
 - Impacts upon the provision of services such as electricity
 - Harm to and loss of hedgerows

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Landscape and heritage impact
- Access and highway impacts
- Biodiversity
- Drainage and flood risk
- Impact on residential amenity
- Mineral Safeguarding

5.2 **Principle of development** (NPPF Section 2: Achieving Sustainable Development, Section 4: Decision-making and Section 5: Delivering a Sufficient Supply of Homes; Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP6: The Delivery of New Homes; Review of the Development Management DPD (DM DPD) policies DM1: New Residential Development and Meeting Housing Needs, DM2: Housing Standards; DM4: Residential Development outside Main Urban Areas; Aldcliffe with Stodday Neighbourhood Development Plan (ASNDP) policy ASNP5: Housing; Aldcliffe with Stodday Housing Needs Assessment 2019, Meeting Housing Need Supplementary Planning Guidance (February 2022).)

5.2.1 The Local Plan requires development proposals to accord with the Councils identified settlement hierarchy set out in Policy SP2. Development outside of the main urban centres should preferentially be directed towards the identified rural settlements. Aldcliffe is not identified as a sustainable rural settlement and therefore falls into the category of a rural village. Policy SP2 states that these types of settlements will accommodate development that meets evidenced local needs only. Policy DM4 of the DMDPD expands on this and states: "Proposals for new housing in other settlements which have not been identified as sustainable settlements will only be supported if it can be demonstrated that the development will enhance the vitality of the local community and meet an identified and specific local housing need". Policy ASNP5 sets out that limited small-scale housing will be supported in the Parish where the development will enhance the vitality of the local community, meets the housing needs of the Parish, and where it is in accordance with other policies.

5.2.2 The site is outside the settlement boundary of Lancaster and as set out above can be defined as a rural village with respect to the settlement hierarchy. The edge of the urban area of Lancaster lies on the western side of the canal approximately 0.5 miles away. There is a clear distinction between the urban area of Lancaster and the small settlement of Aldcliffe which is separated by fields and tree lines 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 the Haverbreaks estate.

5.2.3 The proximity to the urban area of Lancaster should however be acknowledged when assessing the sustainability credentials of the development site. There are no footpaths along Aldcliffe Hall Lane or Aldcliffe Road between the site and the canal. There is access along Aldcliffe Hall Drive, which is understood to be an unformalised right of way which provides a route down to the canal towpath on the opposite side of Aldcliffe Road, which then links with the Canal towpath and continues to the centre of Lancaster. The distance from the site to the nearest supermarket (Aldcliffe Road) is 1 mile. It is approximately 1.3 miles into the city centre (Penny Street). Other options for accessing the city centre would be via the Lune Estuary footpath/cycle path which connects from the bottom of Aldcliffe Hall Lane to New Quarry Road and St. Georges Quay, although this is a greater distance. The site does suffer from a lack of public transport, with the nearest bus stop which would most logically be utilised is located on the A6 in front of the hospital, approximately 1.3 miles from the site, although there is a bus stop on Willow Lane which can be accessed via public footpaths around Fairfield Nature Reserve 1 mile to the north. The train station approximately 1.5 miles from the site.

5.2.4 In terms of Lancaster City Councils housing land supply position, the November 2022 Housing Land Supply Statement illustrates that only 2.1 years of housing supply can be demonstrated. As such, a 5 year supply of housing land cannot currently be demonstrated. 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 5-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 taken as a whole; or
- Specific policies in the NPPF which seek to protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

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

- 5.2.5 Given the proximity of Aldcliffe to the built up area of Lancaster, the site cannot be deemed wholly geographically unsustainable. It is acknowledged that most 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 access public transport in the form of the train and bus from the city centre. In addition, the site is near main recreation routes along the River Lune Estuary and the Lancaster Canal.
- 5.2.6 The application does not specifically address the requirement for development to meet identified housing needs as set out in policy ASNP5. As identified within the NDP and the accompanying Aldcliffe-With-Stodday Housing Needs Assessment, development should respond to the identified need for smaller dwellings of up to 3 bedrooms. House types should prioritise terraced and semi-detached houses and bungalows suitable for smaller households and older people seeking to downsize. There is no evidence of need for larger, detached 4+ bedroom properties in the Parish from the recent housing needs assessment and household survey and these house types should be avoided in proposals. The indicative site plan provided does indicate the provision of larger detached dwellings, similar to those on the opposite side of the road, which would most likely fail to contribute positively towards meeting the identified need. However, as this is an outline application seeking approval for access and landscaping only, it would be for a reserved matters application to detail how this policy requirement would be satisfied. The fact remains, at this stage the development of this site for housing *could* contribute towards meeting identified local housing needs.
- 5.2.7 The proposal would provide a contribution towards housing supply within the District. It *could* also deliver housing which meets identified local housing needs. However, there are concerns with how the site and the proposed development relates to the existing settlement pattern and these are discussed further below. There are also deficiencies in terms of the sustainability of the location as set out above. The proposal does not demonstrate how it enhances or maintains the vitality of the local community and as evidenced by the number of objections received by the Local Planning Authority, it does not have local support. However, it is considered that the principle of development within the broader village of Aldcliffe cannot be disregarded. The location of development, in terms of its sustainability was not one of the reasons for refusal in relation to the previous two planning applications at this site. It was one of the issues considered by the Planning Inspector when assessing the appeal associated with application 14/00626/OUT. At this time, the Inspectorate agreed with the Council's approach and confirmed that Aldcliffe would be a sustainable location for smaller scale development, particularly considering the lack of a 5-year supply of deliverable housing land and the NPPFs presumption in favour of development. In fact, given the deterioration of the Council's 5-year housing land supply position since the previous applications and appeal, greater weight should be given to the provision of housing within this location. The Aldcliffe with Stodday NDP has also been recently adopted, however, there are no policies contained within the NDP which would necessarily alter the assessment of the principle of development in this settlement. It is therefore considered that the principle of smaller scale development within the broader location of Aldcliffe, in light of the lack of a 5-year supply of deliverable housing land, is considered acceptable.
- 5.3 **Landscape and heritage impact NPPF Section 12: Achieving Well-Designed Places, Section 15: Conserving and enhancing the natural environment, Section 16: Conserving and enhancing the historic environment; Strategic Policies and Land Allocations (SPLA) DPD policies SP7: Maintaining Lancaster District's Unique Heritage, SP8: Protecting the Natural Environment, EN3: The Open Countryside; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM30: Sustainable design, DM41: Development Affecting Non-Designated Heritage or their Settings, DM45: Protection of Trees, Hedgerows and Woodland, DM46: Development and Landscape Impact; Aldcliffe with Stodday Neighbourhood Development Plan (ASNDP) policies ASNP2: Supporting Walking and Cycling, ASNP3: Protecting and Enhancing Local Character and Landscape, ASNP4: Promoting High Quality and Detailed Design, ASNP5: Housing, ASNP7: Sustainable Design; A Landscape Strategy for Lancashire Landscape Character Assessment.**
- 5.3.1 This application is described within the application form as a resubmission of the refused 2014 outline application reference: 14/00626/OUT, however, there are clear differences between these development proposals. The application now being considered is of a reduced scale with respect to development site area which is confined to the west opposite West Lodge and the access into Craiglands Court. The quantum of development has also been reduced from 11 dwellings to a total of 7 dwellings. Although the proposal only seeks approval of the access and landscaping at this

stage, an indicative layout has been provided to show how 7 dwellings could be accommodated. This shows 7 dwellings on either side of a single access road through the site and extending to the east. The Landscape and Visual Impact Assessment which accompanies the application sets out that the proposed houses would be two storey detached houses with garages and with maximum roof ridge heights of 8 metres, although the matters of scale, layout and design are reserved for later consideration. Access to the site would be taken from the location of the current field gates and would include a width of 6.6 metres to the road with 2 metre pavements either side. Pavements would also extend along the frontage of the site along Aldcliffe Hall Lane.

- 5.3.2 It is acknowledged that the development area has been reduced in overall size and now no longer includes development on land located on the highest points of the drumlin landscape, however, there is still a significant change in levels across the proposed development site. As previously described, rising from the lowest point of the site near the field gates which sits at around 9mAOD the levels increase towards the east, up to the highest point within the site of approximately 16.2mAOD. Levels continue to increase outside of the red edged area as the drumlin increases in height. The top of this drumlin is situated at approximately 22mAOD. A number of the dwellings are shown on the indicative site plan as being located in the lower parts of the site, however, the easternmost plots would extend up the lower slopes of the drumlin and would be seen at a notably higher level relative to the lower-level plots.
- 5.3.3 The development site and the village of Aldcliffe is located within the Low Coastal Drumlins landscape character area. This landscape area is defined by its relationship to coastal environments including the nearby Lune Estuary. The distinctive undulating drumlins in this area appear as low rounded hills surrounded by flat lowlands and shallow watercourses. The baseline description for the landscape character area states, amongst other things, that it encompasses areas of high tranquillity, particularly around the Lune Estuary.
- 5.3.4 The NPPF states that the principle of the planning system is to take account of the varying roles and character of different areas, including recognising the intrinsic character and beauty of the countryside. This is reflected within Policy DM46 of the DM DPD which seeks to protect locally important landscapes, which also makes specific reference to the Lune Estuary coastal environment, by supporting developments which are in scale and keeping with the landscape character. In addition to this, policy ASNP3 sets out various design codes (detailed within the Aldcliffe Design Codes document) which must be addressed. This policy also states that new buildings should be in harmony with their setting. Design Code 4 requires that development does not interrupt any long distance views and sets out that topography should be considered in the positioning and layout of buildings and, rather importantly, that the distinctive drumlin landscape should be protected.
- 5.3.5 The village of Aldcliffe is for the most part nestled within a fold in the drumlin topography and is also largely within the former grounds of Aldcliffe Hall. This setting is such that most development within the village including the more recent development at Craiglunds Court and Oaklands Court opposite the site are largely enveloped by landform and vegetation. This serves to anchor the lower areas of the village into the landscape such that they are not prominent nor obtrusive within wider views. The older elements of the village such as the development around Bank Farm but also some of the newer development along Aldcliffe Hall Drive is on higher land, however, these higher dwellings are largely filtered through the mature wooded landscape which encompasses and extends through the village.
- 5.3.6 The application is supported by a Landscape and Visual Impact Appraisal (LVIA) which sets out that the effects of the development on the key physical features and characteristics of the site would be limited. It goes on to say that adverse visual effects would result from the development but these would be limited to those living immediately adjacent to the site, and users of the Lune Valley Footpath (assumed Lune Estuary Footpath). The LVIA ultimately concludes that a development of 7 dwellings on this site would be in scale and keeping with the low coastal drumlins landscape character area and appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance and landscape treatment.
- 5.3.7 However, the Local Planning Authority disagrees with the finding of this LVIA. The development site occupies open rising pastureland which extends to the south of Aldcliffe Hall Lane and expands outwards from the villages enclosed wooded setting. It is conspicuously open and the landform is such that the site is clearly visible in views from various points along Aldcliffe Hall Lane, from various

points along the former railway line which now forms part of the River Lune Millennium Park Multi-use Path (which forms part of National Cycle Route 6), from the elevated public footpath along the embankment to the River Lune (FP31) and from sections along public footpath (FP 50) to the south and east of the site.

- 5.3.8 Whilst the development proposal has been reduced in area relative to the previously refused schemes, the fact remains that the lower areas of the drumlin landform are still evident within the wider landscape views mentioned. The proposal would result in 7 dwellings protruding from the existing southern edge of the settlement which at present is anchored by vegetation and hunkers down into the contours of the landscape. This protrusion of development would be significantly obtrusive within the wider landscape setting to the village. It would introduce an inappropriate spur of development isolated along the southern edge of Aldcliffe Hall Lane and which poorly relates to the settlement pattern and would conflict with the present extensively filtered and screened edge to Aldcliffe from these perspectives.
- 5.3.9 In light of level changes, it is also clear that some of the dwellings within this site would be elevated above the existing housing at Oaklands Court and Craiglunds Court. Particularly given the highlighted intention for two storey dwellings with up to 8 metre high ridges as set out in the LVIA. The spur of development would appear stark upon the lower and mid slopes of the drumlin landform. This would harm the character of this landscape feature which is characterised by rolling open pastureland topped by small groups of trees/hedges. It is this undulating drumlin terrain which is so important to the setting of the village when viewed from the south and west. The proposal would conflict significantly with the requirement for development to consider topography and ensure that the distinctive drumlin landscape is protected.
- 5.3.10 This outline proposal also includes the landscaping of the site. The landscaping indicated on the indicative site plan appear to be indicative only, no other information with respect to landscaping has been submitted. The ability to determine landscaping at this stage given the restricted detail provided is limited. However, what is clear is that the site area as defined by the red edge is much reduced relative to previous applications. Moreover, the indicative site plan exemplifies the way in which development would for the most part fill the development site with only limited space retained for landscaping beyond boundary hedgerows and perhaps individual trees within domestic gardens. Whilst it appears the applicant owns greater areas of land around the site in which landscaping could be located, the effect of providing landscaping around what has already been determined to be an inappropriate spur of development would have the effect of eroding the sense of openness of the drumlin terrain which characterises the southern boundary of the village. It would also serve to draw attention to this inappropriate and isolated southerly protrusion from Aldcliffe Hall Lane and highlight the fact that the landscaping is trying to hide or filter views of development which essentially conflicts with the prevailing settlement pattern and topography. It is also clear that any landscaping would take a significant period of time, particularly in this rather exposed estuarine environment, to establish.
- 5.3.11 The proposed access arrangements into the site from Aldcliffe Hall Lane also raise significant concerns. Whilst it is acknowledged the field gates are already present, along with a substation and pumping station, the current character of Aldcliffe Hall Lane is one of rurality. This is principally a result of the narrow nature of the lane and sense of enclosure formed by the level changes, retaining walls, tree lines and hedgerows. The entrances to Craiglunds Court and Oaklands Court do have a suburban character, however, along the southern edge of the lane, the rural character is unaltered. The proposed access replicates this access arrangement including a dual lane road along with pavements extending for a short length across the frontage of the site in both directions. The installation of this point of access would implicate lengths of hedgerow, creating a further widening of the lane and introduce urbanising features such as pavements which would be at odds with the character of the lane taken as a whole. It is considered that the location and scale of the proposed site access would harmfully erode the rural character and appearance in this part of Aldcliffe Hall Lane.
- 5.3.12 The Aldcliffe with Stodday Neighbourhood Development Plan identifies West Lodge as a non-designated heritage asset (NDHA) due to its historical significance contributing to the “collective memory” of the area. The building dates from 1887 and was the westernmost lodge building for the former Aldcliffe Hall. It is built utilising materials typical of the village and has associations with E.B. Dawson a person of some importance in Lancaster. Relative to the previously refused applications,

this proposal would now include development in the form of a sub-urbanising access arrangement and dwellings located directly in front of this locally significant building. To a certain extent the setting and significance of this building as a lodge house for the former Aldcliffe Hall has been diminished by the recent development of Craiglands and Oaklands Court which, in heritage terms, was a fairly insensitive housing development. However, West Lodge is still located on the western periphery of the village and of the former Aldcliffe Hall estate. It also still benefits from views overlooking the open fields and undulating terrain which encompasses the village. The presence of the development proposed located in front of the NDHA would undoubtedly be within its setting.

5.3.13 Policy DM41 of the DMDPD states that proposals affecting the setting of a NDHA will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible. It further states that new buildings in close proximity to NDHA should ensure that the setting is not compromised. Policy ASNP3 sets out that designs should be sensitive to the character and significance of any nearby heritage assets, including the identified NDHAs.

5.3.14 Layout is a reserved matter, however, the indicative layout shows large, detached properties enclosing the eastern and southern aspect of West Lodge. It is clear to see that development of this site would inevitably enclose West Lodge from the east and south. It would sever this properties relationship with the wider open drumlin terrain and would interrupt views of the asset. This would harm the appreciation of the importance of this building in historical and aesthetic terms, and would undermine its function as a former peripheral lodge building and a local landmark on the edge of the village. Given the position and confines of the development site, it is difficult to envisage an alternative layout that would not compromise the NDHA in this manner. On this basis, it is considered that the development would significantly harm the setting of West Lodge. It would therefore be contrary to policy DM41 and ASNP3.

5.3.15 Overall, the development would result in the inappropriate and harmful expansion of development that would appear as an isolated and incongruent spur of development expanding southwards into what is considered a locally important and distinctive landscape of coastal drumlins along the Lune Estuary. The loss of openness and erosion of the drumlin landform along the village edge would have a significant and demonstrable adverse impact on the wider landscape and the localised character of Aldcliffe Hall Lane. This notable level of harm would be experienced from numerous public vantage points within an otherwise tranquil estuarine environment. There is relatively limited scope for mitigation given the reduced area of the site and the likely scale of development to follow indicated by the site plan. The presence of landscaping could also have the effect of highlighting the inappropriateness of scheme rather than complementing well-designed development. It is concluded that the proposal would result in significant and demonstrable harm to the character and appearance of Aldcliffe Hall Lane and the surrounding area.

5.4 **Access and highway impacts** NPPF Section 9: Promoting Sustainable Transport; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM61: Walking and Cycling, Aldcliffe with Stodday Neighbourhood Development Plan (ASNDP) policies ASNP2: Supporting Walking and Cycling.

5.4.1 The application seeks consent for a vehicle access onto Aldcliffe Hall Lane, in the location of the current double field access gates and opposite West Lodge. The access would be wider than the current field gate arrangement to incorporate a splayed entrance and associated visibility splays. The access would consist of a 6.6 metre wide road with 2 metre wide pavements either side. The 2 metre pavements would also extend across the frontage of the site. Aldcliffe Hall Lane is an adopted road subject to a speed limit of 30mph and other than the splayed accesses into Craiglands and Oaklands Court, does not benefit from footways, is bounded by large retaining walls, mature hedgerows, trees and private property boundaries.

5.4.2 County Highways have provided a consultation response stating that they do not raise an objection to the principle of the application. However, they go on to highlight a number of concerns regarding the proposed access arrangement. In the first instance, the Highways Officer states that the visibility splays for the access should be determined by the 85-percentile speed based on an appropriate 7-day survey. Such a survey does not accompany the application, instead an access plan has been provided indicating that visibility splays of 2.4 metres x 30.8 metres to the east and 2.4 metres x 27 metres to the west can be achieved. It is not apparent as to what assessment has informed these splays, whilst the splay (y-distance) falls below the recommended distance for a 30mph road of 43

metres set out in Manual for Streets. Furthermore, the splay extends out into the centre of the carriageway to the east and partly into the carriageway to the west. This is not usual practice as in most cases, unless advised otherwise by the Highways Officer, the splay should remain on the highway verge. Furthermore, the ability to achieve these visibility splays is also questionable in light of the position of the electricity substation. The indicative site layout plan shows the location of this building approximately 6.9 metres from the highway verge, however, it is clear that the current building is located hard against the rear of the highway boundary hedge and approximately only 1 metre from the highway verge. The location of the building onsite would highly likely prevent visibility to the east in its current position. The application does not make clear whether or not the developer intends to relocate the substation building and adjacent pumping station, which would entail significant cost and permission may not be forthcoming from the operators of this infrastructure. It is also clear that the provision of an access in this location would require the removal or translocation of lengths of field boundary hedgerow which are typical of the locality and form a fundamental component of the character of Aldcliffe Hall Lane, the loss or significant alteration of which would not be supported in landscape terms.

5.4.3 Within the area where the access road into the site is proposed is also a United Utilities high pressure rising main sewer and an associated pumping station. United Utilities have provided a consultation response stating that the layout included on the indicative site layout drawing, including the location of the access arrangement, would not be acceptable to them without the diversion of their assets. United Utilities also request further detailed information pertaining to drainage strategies and site levels to understand the impact of development upon their assets. This raises further questions over the deliverability of the proposal given the significant costs that would be incurred through having to divert the various pieces of above and below ground infrastructure which cross the site. It is unclear from the submission before the Council as to whether consideration has been given to the implications that this infrastructure could have upon the deliverability of the development as proposed.

5.4.4 The installation of the point of access as described above would result in harm to the character and appearance of Aldcliffe Hall Lane and for those reasons, the access arrangement is not supported in landscape terms. However, at present the application is not informed by any speed surveys to determine the 85%ile speed which should then subsequently inform the required visibility splays to provide a safe point of access to the satisfaction of the County Highways Officer. On this basis, without detailed analysis and data on which to base the detailed design of the access and associated visibility splays, the application does not establish that a safe and suitable access can be provided. However, what is clear at this stage is that due to the presence of significant pieces of third party above and below ground electricity and drainage infrastructure, the ability to deliver the access as currently proposed, to the satisfaction of those third parties is unclear. Furthermore, the requirement to provide appropriate visibility splays would require the removal or reduction in height of significant lengths of hedgerow. This would significantly compound the landscape harm already identified for which, as set out above, the development is already considered to be unacceptable.

5.5 **Biodiversity NPPF Section 15: Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM44 (The Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland); Aldcliffe with Stodday Neighbourhood Development Plan (ASNDP) policies ASNP1: Conserving and Enhancing Local Biodiversity.**

5.5.1 As set out above, a mature hedgerow forms the boundary between the development site and Aldcliffe Hall Lane. These boundary hedgerows are fundamental components of the character of the lane and are intrinsic to the character and appearance of the wider landscape. The application is supported by an Arboricultural Implications Assessment (AIA) which assesses the impact of development upon surrounding trees and hedgerows. Firstly, whilst layout of development within the site is a reserved matter, the AIA sets out that hedge H3 which forms the remnants of an historic field boundary would be translocated to facilitate development. This hedge appears to be in poor overall condition and is fragmented, however, it is not clear why development of this site could not be undertaken so as to enable the incorporation and enhancement of hedge H3 into the design. The fragmented nature of the hedgerow should be seen as an opportunity to enhance the hedgerow, not simply remove it as highlighted by the Councils Arboricultural Officer. The loss of this hedge, or its translocation if successful, would result in the loss of an historic field pattern which is identified as a

key feature of the local landscape character. Furthermore, other than a brief statement confirming the hedgerow could be translocated to 'form one side of an area of open space', the AIA provides no specific details as to where the length of H3 would be translocated to, or if this is feasible given the distance it would likely have to be moved.

5.5.2 The hedge to the east of the field gate is defined as hedge H1 and the hedge to the west of the field gate is defined as hedge H2 within the AIA. The AIA states that approximately five metres of hedgerow H2 will require removal to create the visibility splay to the east. The AIA does not discuss the impact of the visibility splay to the west upon hedge H1. However, the Tree Protection Plan provided in appendix 5 of the AIA is based on the retention of the boundary hedgerows H1 and H2 and does not detail the new access arrangement or its associated visibility splays. This conflicts with the proposed access shown on the site access plan and as detailed within the AIA. Given the historical, ecological, and landscape importance of these roadside hedgerows, it is essential that the full extent of removals is made clear at this stage. The actual visibility splays required to provide a safe and suitable access have not been determined, however, it is unlikely that such an access could be provided with only the removal of a 5 metre length of hedge H2 as detailed within the AIA. Given the height of hedges H1 and H2 and their location immediately adjacent Aldcliffe Hall Lane, it is highly likely that greater lengths of these hedgerows would require removal, translocation or a reduction in height. As previously discussed, the requirement to remove or relocate these hedgerows, which are inherent to the character and scenic beauty of the landscape would result in harm to the landscape character of the area, harm which is not supported.

5.5.3 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. A Habitat Regulations Assessment has been undertaken and which is contained within a separate document. This Habitat Regulations Assessment concluded that mitigation in the form of Homeowner Information Packs and a Construction Environment Management Plan would be required in order to educate residents of the proposed dwellings as to the sensitivities of this protected environment and manage the impacts of the construction phase of the development upon it. Both the Homeowner Information Packs and Construction Environment Management Plan could be secured by condition should the application be approved. Furthermore, the Ecological Appraisal which accompanied this application concluded that given the small scale of this development, the intervening land-use and the poor suitability of the site for over-wintering birds, that the site does not represent functionally linked land. Natural England has been consulted on this Habitat Regulations Assessment and have confirmed that they are satisfied with the conclusion.

5.5.4 The Ecological Appraisal concludes that the site consists largely of agricultural improved grassland with bordering hedgerow in addition to some trees. The report sets out that the site is not diverse in terms of habitat types or characteristics and species diversity. The habitat with greatest ecological value is the hedgerow and trees. The hedges provide good bird nesting habitat and provide flight-lines for bats. The proposal would require the removal of hedges for the access and potentially layout of development within the site, however, at this stage, the exact nature of the hedgerow removal has not been fully established. The application makes reference to the inclusion of a 'Village Green' within the Ecological Design Strategy and there is mention of a 'Village Green' on the initial indicative site plan submitted to the Council, however, it was removed from later iterations. No details have been provided as to the 'Village Green'; it is not included within the application description nor does it fall within the red edge development site which would be required as it would represent a change of use of land. Accordingly, the Council has not included the 'Village Green' within the determination of this application. A biodiversity net gain calculation is contained within the Ecological Appraisal, however, this also is based on the incorporation of the 'Village Green' in order to provide habitat enhancement opportunities to result in the net gain of 31.74%. The Ecological Appraisal makes what are considered broad statements as to the way in which biodiversity net gain can be delivered, but no specific details of the habitat enhancement scheme have been provided as this stage. This could however be addressed by a planning condition which could include works within the blue edged area so long as the developer benefits from the control of this land to maintain the habitat enhancement works into the future.

- 5.6 **Drainage and flood risk** NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change; Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Review of the Development Management DPD (DM DPD) policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water); Aldcliffe with Stodday Neighbourhood Development Plan (ASNDP) policies ASNP8: Surface Water Drainage.
- 5.6.1 United Utilities (UU) have provided a consultation response highlighting that they raise significant concerns with respect to the location of the access and the layout of development shown on the indicative layout plan. A UU rising main and associated pumping infrastructure is located within the site and UU have confirmed that they would object to the proposal if the layout was not amended to avoid this infrastructure or if this infrastructure was not diverted. It would be for the developer to ensure that the infrastructure is not implicated by the development proposed either through an appropriate layout agreed with UU or by diverting the UU infrastructure.
- 5.6.2 United Utilities has also requested additional information pertaining to drainage and level details and has asked for this to be provided prior to determination. This information is requested in order to determine the potential impact of development upon their assets. However, as the application is outline in form and layout is a reserved matter, a detailed drainage strategy has not been developed. UU are satisfied that this information could be secured by condition as a result. The outline drainage strategy provided sets out that foul water will discharge into the public sewer which passes through the site.
- 5.6.3 The site lies within flood zone 1, however, there is a pocket of medium risk surface water flooding within the southern area of the site which on site corresponds with a depression within the field which features a marshy appearance. The remainder of the site is not identified as being susceptible to flooding from any sources, although comments made by members of the public received by the Council suggest that most parts of the lower lying areas within the development site and along the lane are subject to surface water flooding during heavy rainfall events. However, the Council must determine the application in accordance with the data produced by the Environment Agency in this regard. The indicative site plan includes an indication as to the location of the medium surface water flood risk within the site, this seems to approximately correspond with the data provided on the Environment Agency surface water flooding map. The indicative site plan details how 7 dwellings could be provided within the site without hard development encroaching within this surface water flood risk area, which itself could remain as open space.
- 5.6.4 The surface water drainage strategy provided and soakaway tests undertaken so far indicate that drainage via infiltration could be feasible for this development. Drainage in this manner would be in accordance with the surface water drainage hierarchy. However, as a fall back, a combined sewer passes through the site into which surface water could be directed. Given the size of the site and the availability of drainage options, it is considered that appropriate measures could be incorporated to adequately deal with surface water drainage which can therefore be controlled by condition.
- 5.7 **Impact on residential amenity** NPPF Section 8: Promoting Healthy and Safe Communities, Section 12: Achieving Well-Designed Places, Section 15: Conserving and enhancing the natural environment; Review of the Development Management DPD (DM DPD) policies DM29 (Key Design Principles).
- 5.7.1 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 or the dwellings within the site itself. There would be sufficient space within the development site to provide 7 dwellings as applied for which also meet requirements with respect to housing standards, such as the Nationally Described Space Standards, garden sizes and intervening separation distances.
- 5.8 **Mineral Safeguarding** (NPPF Section 17: Facilitating the Sustainable use of Minerals; Joint Lancashire Minerals and Waste Local Plan Policy: M2 Safeguarding Minerals and Guidance Note (December 2014)

- 5.8.1 The majority of the site is within a safeguarding area for minerals, development that is incompatible with mineral safeguarding (as set out in Policy M2 of the Joint Lancashire Minerals and Waste Local Plan) should not be supported. No consultation 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.
- 5.8.2 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.

A mineral resource assessment has not been submitted with this application, however, such an assessment did accompany the previously refused application 16/01226/OUT. This document set out that the subject site, in the context of the amount of land safeguarded for potential mineral extraction within Lancaster District, is insignificant. Given the nature of land uses within this area around, it is highly unlikely that extraction would ever occur, given the potential harm to amenities of residents. The mineral resource assessment also concluded that the clear and demonstrable evidence within the Council's 2014 Housing Land Monitoring Report (HLMR) which identified an 'overarching need' for housing in the District would also be a reason in its own right to set aside Policy regarding mineral extraction. In this regard, the Council's 5 year housing land supply has only deteriorated further. It is therefore considered, as was concluded in 2016, that the location of the site within a mineral safeguarding area would not be a reason to withhold planning permission for the development of this site.

6.0 Conclusion and Planning Balance

- 6.1 The Council cannot demonstrate a five-year supply of deliverable housing sites. Footnote 8 of the NPPF means that the 'presumption in favour of sustainable development' at paragraph 11. d) of the NPPF requires consideration. As such, the most important policies should be deemed out of date and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.2 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. With respect to the economic benefits of the proposal, the scheme would result in employment during the construction phase of the development and residents would contribute to the local economy once the scheme has been delivered. The proposal would also provide housing which would to a small degree contribute towards meeting the district wide need. However, whether the proposal would meet the locally identified need for smaller dwellings has not been determined as part of this outline application.
- 6.3 In terms of the environmental dimension of sustainable development, the position of the 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 and a network of surrounding footpaths. As such, the incongruously exposed extension to the pattern of the settlement at Aldcliffe would result in demonstrable and unjustified harm to this distinctive landscape. In addition to this, the proposal would result in harm to West Lodge through inappropriate development within its setting. Furthermore, the design of the access into the development site is not based on any detailed site investigation to establish the nature of the highway and to inform a design which would be acceptable in highway safety terms. The requirement for visibility splays to provide safe access points would almost certainly require the removal of significant lengths of hedgerows along Aldcliffe Hall Lane and most likely the relocation of above and below ground infrastructure. No assessment has been undertaken to ascertain the appropriate visibility splays required nor their resultant impact upon the boundary hedgerows which are integral to the character of the lane.

- 6.4 It is therefore considered that that the adverse environmental impacts arising from the development on the character and appearance of the landscape, unjustified harm to the setting of West Lodge, failure to provide an access which would incorporate acceptable safe visibility splays and failure to determine the impact of the access upon the hedgerows 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. By reason of the sites elevated profile and position to the south of the existing settlement along Aldcliffe Hall Lane, the proposal will appear as an overly prominent and obtrusive spur of development extending into the open countryside and conflicting with the natural grain of the locally important low coastal drumlin landscape and ultimately poorly relating to the settlement of Aldcliffe, to the detriment of the character and appearance of the landscape. The proposal is found to contradict the provisions of Section 12 and 15 of the National Planning Policy Framework, Policy EN2 of the Strategic Policies and Land Allocations DPD, Policies DM4, DM29 and DM46 of the Review of the Development Management DPD and Policy ASNP3 of the Aldcliffe with Stodday Neighbourhood Development Plan.
2. The loss of the site as open space would result in unjustified harm to the significance of West Lodge, a non-designated heritage asset, through the resulting impact upon its setting. The proposal would therefore fail to comply with the aims and objectives of the National Planning Policy Framework, in particular Section 16 and Policies DM29 and DM41 of the Review of the Development Management DPD.
3. The application fails to adequately demonstrate that the proposal would provide adequate visibility splays to achievable a safe and suitable vehicular access from Aldcliffe Hall Lane. Consequently, the proposed development represents an unacceptable risk to the health and safety of users of the highway network and the proposed access point. For this reason, the proposal is found to contradict the provisions of Section 9 of the National Planning Policy Framework and Policy DM29 of the Review of the Development Management DPD.
4. Insufficient information has been provided to enable the Local Planning Authority to determine the way in which the proposed development would impact upon existing hedgerows and subsequently the further wider landscape implications of the development. For this reason, the proposal is found to contradict the provisions of Section 15 of the National Planning Policy Framework and Policies DM29 and DM45 of the Review of the Development Management DPD.

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

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 the Notice. The

applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None