



Appeal Decision

Site visit made on 14 January 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/A2335/W/19/3237129

Ridge Lea Hospital, Quernmore Road, Lancaster LA1 3JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Mahon of Seemore Properties Limited against the decision of Lancaster City Council.
 - The application Ref 19/00015/FUL, dated 4 January 2019, was refused by notice dated 27 March 2019.
 - The development proposed is described as 'improvements to access'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area, with particular regard to protected trees.

Reasons

3. The appeal relates to an access road to the former Ridge Lea Hospital, leading off the public highway along Stone Row Head. The road is flanked on either side by woodland containing a mix of mature and semi-mature trees and scrub. A number of tall mature trees with significant amenity value line the road and combine to make a large dense canopy which makes a positive contribution to the character and appearance of the surrounding area. The trees are protected by a Tree Preservation Order (TPO) which covers the two areas of woodland on either side of the road.
4. Policy DM29 of the Local Plan for Lancaster District 2011-2032 Development Management DPD (adopted 2014) (the LP) offers protection to trees and hedgerows which positively contribute to the visual amenity and/or environmental value of the location. The policy states that development should positively incorporate existing trees and hedgerows within new development and where this cannot be achieved the onus is on the applicant to justify the loss of trees.
5. The proposal would see the access road widened to provide a carriageway width of approximately 5.5 metres and two footways with a width of 2 metres running along each side. The appellant's Arboricultural Impact Assessment and Method Statement finds 90 protected trees within the boundary of the site and identifies 37 of these trees to be removed to facilitate the development, with a further six to be removed due to their poor state of health. The accompanying Tree Survey reveals that the trees to be removed

- are primarily category A and B trees, being of moderate to high quality with estimated remaining life expectancies of 20 to 40 years.
6. While the wider area of woodland would remain, the proposal would result in a substantial loss of protected trees. This would have a significant and long-lasting detrimental effect on the visual amenity of the surrounding area, diminishing its verdant and sylvan character.
 7. To justify the loss of the protected trees, the appellant has stated that the improved access is required to serve the redevelopment of the Ridge Lea Hospital site and adjacent land for housing. To support this, my attention has been drawn to the Council's emerging Strategic Policies and Land Allocation Development Plan Document and Development Management DPD (the emerging LP) which identifies the hospital site (Site H3.1) and adjoining sites (H3.2 and SG7) as being allocated for housing development. Given the advanced stage of preparation, I can attribute significant weight to the emerging LP.
 8. I have also been provided with a Statement of Common Ground (SoCG) between the Council and the appellant regarding the delivery of the East Lancaster Strategic Site (SG7) which lies to the north of the appeal site and is allocated in the Emerging LP for the delivery of at least 900 residential units. The appellant points out that the SoCG accepts that the creation of a southern access road will result in the loss of a number of trees that are considered to be of value and that, where such losses are unavoidable, replacement trees will be provided in line with the Council's tree policy.
 9. That said, I am mindful that the appeal proposal before me is for improvements to an existing access road only. There is no housing proposed at this time, therefore, this is not a benefit that I can attribute to the appeal proposal. Furthermore, the allocation of a site for housing within a Local Plan does not guarantee its delivery. If I were to allow the appeal and no housing development were forthcoming, there would have been an unjustified loss of protected trees.
 10. To avoid this situation arising, the appellant has suggested that restrictive planning conditions could be imposed to prohibit the felling or lopping of any trees until planning permission is granted for the redevelopment of the hospital site or housing site SG7. However, even if planning permission were to be granted for housing, there is no certainty that it would ever be implemented or implemented in the near future. There is a risk that the visual harm arising from the removal of the trees would be longstanding without any benefit of new housing. Therefore, such a condition would not overcome this harm.
 11. A compensatory tree planting scheme on land under the appellant's control is proposed. However, this would take a number of decades to reach the same level of maturity as the trees identified for removal and would therefore not provide satisfactory mitigation in this particular case.
 12. I note the appellant's argument that Policy DM35 of the LP is of no relevance to the proposal as it does not specifically mention trees. However, the opening line of the policy states that 'new development should make a positive contribution to the surrounding landscape or townscape'. I am satisfied that trees can form part of a landscape or townscape and therefore it is appropriate to consider the proposal against this policy provision. In doing so, I find that

the proposal would harmfully diminish the local landscape and would therefore be in conflict with this policy.

13. Consequently, the proposal would result in significant harm to the character and appearance of the surrounding area, with particular regard to protected trees. Furthermore, I have not been provided with a sufficient justification for the loss of the protected trees. Accordingly, the proposal is contrary to Policies DM35 and DM29 of the LP. It would also conflict with the policies of the Framework which seek to promote proposals which are sympathetic to local character and recognise the contribution trees make to the natural environment.

Other Matters

14. My attention has been drawn to the fact that the southern part of the appeal site borders Lancaster Cemetery which is a grade II listed park and garden. It is therefore incumbent upon me to pay special attention to the desirability of preserving the setting of this designated heritage asset in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. The southern section of the site, close to the road junction, forms part of the setting of the designated heritage asset, which is characterised by verdant woodland surroundings. However, only minor highway improvement works are proposed at this location and would therefore have a negligible impact on the setting of the designated heritage asset. Furthermore, a number of trees would be retained between the cemetery and the northern section of the site, retaining the woodland setting of the heritage asset. Consequently, there would be no harm to the setting of the grade II listed park and garden.
16. The appellant has stated that a grant of planning permission for the improved access enables them to secure the sale of the hospital site. However, this attracts little weight in my determination of the appeal.
17. I acknowledge the lack of objection from the Highway Authority, but this does not affect my findings on the main issue.

Conclusion

18. For the reasons I have set out, the appeal is dismissed.

Jeff Tweddle

INSPECTOR