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| <b>Agenda Item</b><br>A8  | <b>Committee Date</b><br>31 <sup>st</sup> May 2017   | <b>Application Number</b><br>17/00170/OUT |
| <b>Application Site</b><br>Land Rear Of Ingleborough View<br>Station Road<br>Hornby<br>Lancashire   | <b>Proposal</b><br>Outline application for the development of up to 11 dwellings and creation of a new access and associated landscaping |   |
| <b>Name of Applicant</b><br>Mr & Mrs Norris   | <b>Name of Agent</b><br>Mr Avnish Panchal  |   |
| <b>Decision Target Date</b><br>26 May 2017<br>31 <sup>st</sup> May 2017 (actual Determination Date) | <b>Reason For Delay</b><br>None (if issued on the committee date)  |   |
| <b>Case Officer</b>   | Mrs Jennifer Rehman  |   |
| <b>Departure</b>  | No   |   |
| <b>Summary of Recommendation</b>  | Refusal  |   |

**(i) Procedural Matter**

This application is a resubmission of a withdrawn application (16/00745/OUT). This earlier planning application had been recommended for refusal and was set out in the 12<sup>th</sup> December 2016 planning committee agenda (agenda item A8) but was withdrawn before the committee meeting. A summary of the previous reasons for refusal are as follows:

- 1) The access had an overly-urbanising adverse impact to the detriment of the rural character and appearance of the country land in the AONB;
- 2) inappropriate access, overly-prominent development which poorly related to the existing settlement would adversely affect the natural beauty, character and appearance of the AONB landscape and visual amenities of the area;
- 3) Inadequate heritage assessment of the impact of the development on potential archaeological remains.

A site visit was arranged for the Planning and Highways Regulatory Committee Members to view this particular site in advance of the application being reported to the committee. This took place on Monday 27<sup>th</sup> March 2017.

**1.0 The Site and its Surroundings**

- 1.1 The application site comprises 1.2 hectare of improved grassland pasture (Grade 3 agricultural land classification) located behind Ingleborough View, south west of Station Road, on the southern outskirts of the settlement of Hornby. The site is divorced from the village core by the disused railway line which previously separated Hornby from the cluster of development at Butt Yeats. The application site and surrounding area are located within the northern fringe of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). It is also land identified as 'Countryside Area' in the saved Local Plan. Hornby's Conservation Area lies to the north of the disused railway line covering the historic core of the village and castle. The application site is outside of this designated heritage

asset. There are no protected trees within the site or on neighbouring land that could be affected by the proposals.

- 1.2 The site relates to the eastern part of a larger pastoral field. It is bound by the B6480 Wennington Road to the south; the remaining part of the field to its western boundary; the disused railway line and the residential development at Station Court to its northern boundary; and a row of semi-detached and terraced 2-storey houses known as Ingleborough View, Low Barn (a residential property) a sub-station and Station Road to the site's eastern boundary. There is also an area of public open space to the north of the application site situated between Station Court and Station Way Industrial Estate. A small cluster of development around the Butt Yeats junction is located to the south east of the site on the south side of Wennington Road with a further small residential complex, known as Lunesdale Court, around 180m to the south west of the site.
- 1.3 The site is predominately enclosed by native hedgerows, particularly to the northern and southern boundaries. The eastern boundary is made up of a mix of boundary treatment including stone walls, post and wire fences and hedgerows as they make up the domestic curtilages of neighbouring residential property. There are a small group of trees located on this eastern boundary separating the site from Station Road, close to the narrow bridge. The site is accessed by an existing field access off Station Road between Low Barn and 8 Ingleborough View.
- 1.4 Land levels rise gradually from an elevation around 35.8m Above Ordnance Datum (AOD) in the south eastern corner of the site (close to the existing access) to 40.8m AOD at the mid-point along the proposed western boundary of the site. At this highest point the levels then drop steeply towards the northern boundary where the site is elevated at approximately 29m AOD. The site is located outside of flood zones 2 and 3 and is not located in an area identified as being susceptible to surface water flooding (other than along the northern boundary where Mears Beck runs in an east-west direction). The site is located in a Mineral Safeguarding Area.

## **2.0 The Proposal**

- 2.1 The application seeks outline planning permission for up to 11 dwellinghouses with the creation of a new access and associated landscaping. Access and landscaping are to be considered as part of this outline approval. Scale, layout and appearance are all matters reserved for subsequent approval (reserved matters).
- 2.2 The access is applied for in full. The access shown on the proposed site plan (which is indicative save for the access detail) is a typical priority-controlled junction from Wennington Road with a 2m wide footway to the western side of the junction with visibility splays of 2.4m x 104m (east) and 2.4m x 111m (west). The proposed access arrangements involve the retention of the existing hedgerow to the eastern side of the access but the setting back of the field boundary and subsequent hedgerow translocation to the western side of the access to achieve appropriate sightlines. As part of the proposed access the scheme incorporates a new 2m wide footway on the northern side of Wennington Road from the new access westbound to the existing bus stop located opposite Lunesdale Court. This extends approximately 140m from the centre point of the proposed access.
- 2.3 The site includes land to accommodate a northern pedestrian link between the proposed field and the public open space to the rear of Station Court. This link will cross Mears Beck. The proposal also includes opportunities for links to Station Road via the existing field access and adjacent to the land subject to planning permission 15/00117/OUT for a single dwelling adjacent to the existing substation on Station Road.
- 2.4 The proposed landscaping includes the retention and bolstering of hedgerows along the eastern boundary of the site (rear of properties on Ingleborough View), the retention of the hedgerow to the east of the access, the translocation of the hedgerow to the west of the access to accommodate the visibility splay and new footway and new hedgerow and tree planting along the northern and western boundaries of the development site. The landscaping plan also proposes specific planting around the indicative layout even though the layout is not being considered at this stage.

## **3.0 Site History**

- 3.1 The proposal has been subject to Level 1 Pre-application Advice with the local planning authority, which advised that the principle of the proposal was acceptable, subject to various matters being

adequately addressed at the formal planning stage, including pedestrian connectivity and the provision of a suitable access, the provision of affordable housing, high quality design and landscape impacts, drainage, ecology and that existing and proposed residential amenity is protected.

3.2 The most relevant application relates to the recently withdrawn scheme (16/00745/OUT).

| Application Number | Proposal   | Decision         |
|--------------------|--|------------------|
| 16/00745/OUT       | Outline application for the development of 11 residential dwellings and creation of a new access | <b>Withdrawn</b> |

There have been several other planning applications within the immediate vicinity of the site that are of interest to this case:

| Application Number | Proposal  | Decision   |
|--------------------|---|--|
| 15/00117/OUT       | Outline application for the erection of a single 3-bed dwelling with associated access. | <b>Permitted</b> <i>This site is located adjacent to No. 1 Ingleborough View and existing sub-station and is adjacent to the proposed site.</i>  |
| 14/01030/FUL       | Erection of 9 dwellings and associated access   | <b>Permitted</b> <i>This site is located opposite Ingleborough View and is currently under construction. This was permitted with contributions towards affordable housing and off-site public open space.</i>  |
| 13/01205/FUL       | Erection of 8 2-storey dwellings with associated access, landscaping and car parking    | <b>Refused</b> <i>This site relates to the public open space referred to in this report and is owned by the City Council, to the rear of Station Court. This was refused on the grounds of potential noise impacts and subsequent impacts on residential amenity due to the incompatibility with the adjoining employment land</i> |

#### 4.0 Consultation Responses

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

| Consultee                                  | Response   |
|--|--|
| <b>County Highways</b>                     | <b>No objection</b> to the principle of development despite concerns over the sites location and subsequent over reliance on car journeys, However, this is subject to securing public rights of way to Station Road/Station Court. The link via the public open space to Station Court is considered an essential pedestrian link, advising that if this link is not achievable then they would have to recommend refusal. Off-site work relating to the gateway traffic calming measures, reductions to the speed limit from 60mph to 40mph (via TRO) and upgrades to bus stops are recommended. |
| <b>Lead Local Flood Authority</b>          | <b>No objection</b> subject to conditions relating to the precise details of a surface water drainage scheme and the maintenance and management of such a scheme.  |
| <b>United Utilities</b>                    | <b>No objection</b> subject to the development according with the FRA and details of maintenance and management of any surface water drainage scheme. UU advises that a public sewer crosses the site and that no building can be permitted over its easement (3m either side of the sewer). <i>NB: the sewer is located in the northern corner within the indicative public open space area and therefore is unlikely to cause a significant problem.</i>   |
| <b>Natural England</b>                     | <b>No objections</b> in respect of nature conservation sites. Consultation should be carried out with the AONB Partnership/Conservation Board.   |
| <b>County Council (Strategic Planning)</b> | No contributions for primary school or secondary school places are sought. However, this is subject to a recalculation due to the number of pending planning applications impacting the methodology for calculating any requirements to mitigate impacts of the development on local education infrastructure.   |

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| <b>Parish Council</b>                                       | <b>No objections</b> – The application is a positive move with the inclusion of the footpath to link Lunesdale Court to the village. The Parish wish to highway the Highway Authority's earlier request to reduce the speed limit to 40mph.  |
| <b>Forest of Bowland Area of Outstanding Natural Beauty</b> | At the time of compiling this report <b>no comments</b> have been submitted. However, the AONB Officer did previously object to the proposal based upon the scheme being considered 'major' (in relation to its AONB designation) and so paragraph 115 of the NPPF applies. Development is likely to impact on the landscape character of the AONB and none of the tests for major development proposals in the AONB have been adequately considered. This siting of the development is likely to have significant visual effects and impact on local views, some of which are unlikely to be ameliorated by any landscaping measures. |
| <b>Tree Protection Officer</b>                              | <b>No objection</b> subject to the development being carried out in accordance with the AIA and Hedgerow Translocation Method Statement and Landscape Plan.  |
| <b>Lancashire Archaeological Advisory Service (LLAS)</b>    | Despite concerns and criticism of the submitted Heritage Statement, LAAS have indicated that the submitted geophysical survey and the scheme of Trial Trenching has provided sufficient information to make an informed assessment. LAAS are satisfied with the findings concluding that whilst the presence of archaeological remains cannot be completely ruled out, the probability of its existence is considered too low. Subsequently, LAAS advice <b>no further archaeological investigation</b> is necessary on the proposed site.   |
| <b>Property Services (Lancaster City Council)</b>           | At the time of compiling this report <b>no comments</b> have been received.  |
| <b>Public Realm Officer</b>                                 | <b>No objections</b> subject to the provision of an amenity space to be provided on site (minimum of 186m <sup>2</sup> ); northern footpath link not to be separated (fenced off) from the public open space to the rear of Station Court; and an off site contribution of £24,474 towards off-site public open space (upgrades to play area and contribution to 5 aside kick around space on Station Road POS).   |
| <b>Strategic Housing Officer</b>                            | <b>No objection</b> as the scheme is proposing 5 affordable housing units on site. Comments that the indicative housing mix for the affordable housing would comply with the local housing needs evidence.   |
| <b>Environmental Health Service</b>                         | At the time of compiling this report <b>no comments</b> have been received.  |
| <b>Electricity North West (ENW)</b>                         | The development lies adjacent to ENW operational land. The development must not encroach this land or any associated easements. Records show a 33kV cable running across the site through plots 9, 10 and 11. Should the cable require diverting the costs would be borne by the developer.  |
| <b>Lancashire Constabulary</b>                              | <b>No objections</b> - recommends a number of secure by design measures to ensure the layout and the design of the development takes account of crime prevention   |

## **5.0 Neighbour Representations**

5.1 At the time of drafting this report, 7 letters of objection have been received. A summary of the main reasons for opposition are as follows:

- The site is not part of the Council's existing and future Plan (Development Plan) nor included in the SHLAA;
- Unsafe and dangerous access on fast, narrow, rural road with limited visibility;
- Parking problems during construction on Station Road;
- Inaccurate and unrealistic sightlines from access;
- Impact on residential amenity including loss of privacy and overlooking; loss of light and overshadowing, and; loss of outlook and loss of peaceful setting;
- Impacts on neighbours exacerbated by sites elevation above Ingleborough View;
- Increased noise/air pollution and disruption from more development in the area reducing quality of life;
- For residents of Ingleborough View, there would be new development to the front and rear if this is approved - loss of views and property values (NB: neither planning considerations).
- Loss of wellbeing due to change in surrounding environment (from open contrary to housing);
- Positions of the proposed footpaths would lead to a loss of privacy to neighbouring dwellings – fencing and screening to mitigate would be equally detrimental;

- Detrimental impact to the AONB outside the village boundaries;
- Visual impacts due to elevated position;
- Impact on wildlife;
- Loss of property value (NB: not a planning consideration);
- Increase flood risk and concerns that the existing sewerage system can cope with additional development.

A letter offers neutral comments including a view that the speed reduction from 60mph to 40mph should be required again, though this should be reduced to 30mph. Concerns about flood risk and the ability of the existing culvert to cope with any additional development and surface water runoff. If approved, there should be conditions imposed to limit further buildings in the area. The Flood Risk Assessment does not take account of cut and fill operations on site; whilst there is a lack of regard to the protection of the AONB and conservation of landscapes.

Two letters of support indicate:

- Provision of the footway between the site and Lunesdale Court will be an enormous benefit to all those living there and the environment (providing opportunities for residents to walk instead of getting in the car); and,
- Concerns over the access but there is support the reduction of the speed limit with a preference to reduce this to 30mph.

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

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

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles  
 Paragraph 32, 34, 35 and 38 - Access and Transport  
 Paragraphs 47, 49, 50 and 55 - Delivering Housing  
 Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design  
 Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities  
 Paragraph 103 – Flooding  
 Paragraphs 109, 115,116, 117,118 – Conserving the Natural Environment  
 Paragraph 120 – Risks from Pollution (contamination)  
 Paragraph 123 - Public health and noise considerations  
 Paragraphs 128-134 – Conserving and Enhancing the Historic Environment  
 Paragraphs 142 and 144 – Facilitating the sustainable use of minerals  
 Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

### **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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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

SC1 – Sustainable Development  
SC4 – Meeting the District's Housing Requirements  
SC5 – Achieving Quality in Design  
SC8 – Recreation and Open Space  
E1 – Environmental Capital  
E2 – Transportation Measures

6.4 Lancaster District Local Plan (Saved Policies)

E3 – Development Affecting Areas of Outstanding Natural Beauty  
E4 – Development within the Countryside

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM32 – The Setting of Designated Heritage Assets  
DM34 – Archaeology  
DM35 – Key Design Principles  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM42 – Managing Rural Housing Growth  
DM48 – Community Infrastructure

6.6 Joint Lancashire Minerals and Waste Local Plan

M2 – Safeguarding Mineral Sites

6.7 Other material considerations

- National Planning Policy Guidance
- Meeting Housing Needs Supplementary Planning Document
- Lancaster City Council 2015 Housing Land Supply Statement (March 2017)
- Forest of Bowland AONB Management Plan
- Forest of Bowland AONB Landscape Character Assessment
- Lancashire Landscape Strategy including Lancaster Character Assessment
- Guidance Note on Policy M2 – Safeguarding Minerals, December 2014
- Section 11A(2) of the National Parks and Access to the Countryside Act 1949
- Section 85 of the Countryside and Rights of Way Act 2000
- Provision of Electric Vehicle Charging Points for New Development Planning Advisory Note (February 2016)

**7.0 Comment and Analysis**

7.1 The application raises the following key issues:

1. Principle of Development
2. Housing needs
3. Highways and accessibility considerations
4. Impact on the AONB and Countryside Area

5. Archaeology
6. Drainage
7. Residential amenity
8. Ecological impacts
9. Mineral safeguarding

## 7.2 Principle of Development

- 7.2.1 The Development Plan for the area comprises those policies of the Lancaster District Core Strategy (CS) and the more recently adopted Development Management Development Plan Document (DM DPD). It also includes some saved policies of the Lancaster District Local Plan. The overarching spatial strategy and growth levels for the District are set out in the CS, which adopts an urban concentration strategy and seeks to deliver housing growth equating to 400 dwellings per annum. The CS seeks to achieve sustainable development (SC1) by ensuring development is sited in sustainable locations. CS policy SC3 identified sustainable rural settlements where a proportion of growth (housing and employment) could be accepted. The recently adopted DM DPD provides greater opportunity for housing growth in key rural settlements. This is set out in Policy DM42. Hornby is identified as one of the sustainable rural settlements, recognising the level of services available in this village to serve its rural community. As advised at the pre-application stage, the principle of new housing in Hornby is considered acceptable. However, any such proposal should meet a number of general planning requirements (also set out in policy DM42) having particular regard to the specifics of the site and its surroundings. In particular, proposals should be well-related to the existing built form of the settlement; be proportionate to the existing scale and character of the settlement; demonstrate good siting and design to conserve and where possible enhance the character and quality of the landscape and be located where the infrastructure can accommodate the impacts of expansion.
- 7.2.2 The National Planning Policy Framework (NPPF) provides that policies of the development plan must only be afforded weight concordant with the degree to which they reflect the aims and policies of the NPPF. As part of the Council's work towards delivering a new Local Plan for Lancaster District and in accordance with the NPPF (paragraph 47), the Council has been reviewing the objectively assessed need (OAN) for housing in the District. This evidence demonstrates that the District's OAN is likely to exceed the current figure of 400 dwellings per annum set out in the CS (Policy SC4).
- 7.2.3 Paragraph 49 clearly states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year housing land supply. It is not disputed that the Council cannot demonstrate a deliverable 5 year housing land supply. Paragraph 49 states that all housing proposals should be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development specifically, (paragraph 14 of the NPPF) states that for decision-taking the means *"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
  - *Specific policies in this Framework restrict indicate development should be restricted."*

Consequently, housing in Hornby could be regarded as acceptable in principle (policy DM42), but this is subject to all other material considerations being appropriate to assess the application against the tests set out in paragraph 14 of the NPPF. The report shall now consider key material considerations in turn.

## 7.3 Housing Needs

- 7.3.1 The pre-amble to policy DM42 states that the Council will support proposals for new housing development in rural settlements that have good access to an appropriate range of services that contribute to the vitality of these settlements. It goes on to state that proposals should have clear benefits for the local community and that they meet rural housing needs. The Council's Meeting Housing Needs SPD, which is informed by evidence from the District's Housing Needs Survey, indicates that the market housing needs for Hornby are predominately 2 and 3 bedroom properties. The affordable housing needs are also 2-bedroom properties. In terms of affordable housing

provision, given the scheme is for more than 10 dwelling units on a greenfield site, up to 40% affordable housing on site should be provided in accordance policy DM41.

- 7.3.2 The application is in outline form with matters such as scale and appearance reserved for subsequent approval. The applicant's indicative layout plan shows the provision of 11 units with a mix of detached, semi-detached and terraced units. The affordable housing statement indicates that the size of units would comprise three 2-bedroom units and eight 3-bedroom units. The application also confirms that 5 of the 11 units would be affordable which would be secured by legal agreement. Whilst the exact dwelling types/sizes are not being considered in full at this outline stage, the mix of dwelling types/sizes indicated would not be considered unreasonable. The Council's Strategic Housing Officer has raised no objections and indicated that based on the Council's affordable Housing policy 50% of the units should be available for social rent and 50% for intermediate housing. In this case, given 5 units are proposed for affordable housing, the preference is for 3 rented units and 2 intermediate units. The applicant has revised their proposal slightly from the earlier scheme, stating the proposal is not for **up to** 11 dwellings, though the affordable housing statement remains the same indicating a minimum of 5 affordable units within the development.
- 7.3.3 Overall, the application adequately demonstrates that the proposal would positively contribute to meeting the local market and affordable housing needs in accordance with policies DM41 and DM42 of the DM DPD and the Meeting Housing Needs SPD. This is considered a benefit to the scheme and the provision of new housing in identified sustainable settlements can also help maintain and potentially enhance local services.
- 7.4 Highway and Accessibility Considerations
- 7.4.1 The proposed vehicular access is proposed off the B6480 Wennington Road. Within the vicinity of the site, the B6480 is unlit, has no footways and is subject to the national speed limit of 60mph. It is a typical rural road bound by relatively high native hedgerows. Station Road links Wennington Road to the A683 at the junction with Butt Yeats. Station Road runs alongside Ingleborough View and is subject to a 30mph limit with a footway along the western side of the carriageway. Access to the village from Butt Yeats/Ingleborough View is restricted by the narrowing of the carriageway over the disused railway bridge to the north of the site where there is limited provision for pedestrians. In terms of highway matters there are two principle issues to address. The first relates to the appropriateness of the proposed vehicular access and the second relates to accessibility for pedestrians to the village services/facilities from the site.
- 7.4.2 The proposed vehicular access is located around 50m to the west of the access serving Green Close (a detached dwelling) on the south side of Wennington Road. The access is approximately 130m to the Butt Yeats junction (east of the site) and just under 200m to the access to Lunesdale Court (a residential complex located outside the village), which is to the west of the site on the south side of Wennington Road. The proposed access has been positioned to maximise visibility in both eastbound and westbound directions and comprises a typical priority controlled junction off Wennington Road. The access has been designed with maximum visibility splays of 2.4m x 104m eastbound and 2.4m x 111m westbound. A new footway is incorporated from the new access towards Lunesdale Court, which extends beyond the required visibility splay by around 30m. Despite local concern over highway safety, in particular the proximity of the access to the junction of Butt Yeats, road alignment and restricted visibility and traffic speeds, County Highways has raised no objections to the proposed access arrangements. County Highways has, however, acknowledged that the site speed limit along the stretch of road between the existing and proposed junctions should be reduced from 60mph to 40mph. The provision of the access and the investigation and implementation of an appropriate speed reduction scheme can be secured by way of planning condition. In terms of highway safety and suitability, the proposed vehicular access is considered compliant with relevant national and local planning policy.
- 7.4.3 The application has been amended to address concerns over pedestrian connectivity from the site to the village centre. This primarily includes land to the north of the site to provide a footpath link



from the site to the village via the public open space adjacent to Station Court, thereby avoiding the narrow bridge on Station Road.

- 7.4.4 The delivery of this link is, however, subject to private negotiations with the appropriate landowners as the link is on land outside the applicant's control (albeit forms part of the application). The land to the north of Mears Beck, which the link would have to cross, is public open space (POS) owned by the City Council but leased and managed by the Parish Council. A small section from the POS to the public highway is understood to be in the same ownership as Station Court (a registered provider (RP)). The requisite Notices have been served. There have been no objections or representations received from the RP concerning the link proposals. In the case of the City Council, no comments have been received at the time of compiling this report. However, under the previous withdrawn scheme initial comments indicated that the Council (Property Services) had some concerns over the link and that they would not wish the provision of a link to prejudice the ability to develop their land.
- 7.4.5 The planning history section of this report references an application on the POS in question (13/01205/FUL). Whilst the City Council (in their property role) had not fully agreed for a footpath to be linked to their land (under the withdrawn scheme), they had equally not said it was not possible. Their primary concern related to whether the footpath link would prejudice the future development of the site. Having regard to the layout proposed as part of planning application 13/1205/FUL, there would appear to be sufficient scope to provide a link without prejudicing a scheme similar to that previously submitted.
- 7.4.6 County Highways have made it clear that the provision of the northern link is essential and that failure to deliver this link would render the proposal unacceptable as it would lead to increased pedestrian movements along Station Road and specifically over the narrow bridge where footway provision is deficient. This would result in unsafe pedestrian movements between the site and the village centre and so the proposal would fail to comply with policy SC1 of the CS, DM DPD policies DM21 and DM35 and paragraph 32 of the NPPF. In the event of an approval, a Grampian condition could be imposed to ensure details of the proposed northern connection from the site to Station Court are agreed by the local planning authority and that the implementation of such be undertaken on site before the commencement of development. It is contended that the works associated with the provision of the pedestrian link to the village (avoiding the narrow bridge) are required to make the development acceptable and such a condition would meet the tests set out in paragraph 206 of the NPPF. This approach is also accepted by the Highway Authority.
- 7.4.7 The provision of pedestrian links to Station Road would provide direct access to the bus stop located outside Ingleborough View. The delivery and precise details can also be controlled by condition. A single link would be reasonable rather than the two suggested. It is anticipated that at the detailed design stage, the level differences between the site and Station Road in the vicinity of the link to the north of the sub-station may prove problematic and so utilising the existing field access to the south of 8 Ingleborough View may be the most feasible route. With regards to the proposed footway to Lunesdale Court, this is betterment for the residents of Lunesdale Court, but ultimately it is not an essential requirement to make this development acceptable in planning terms. The Road Safety Scoping Report for the B6480 submitted with this application, is a report commissioned by the Parish Council back in June 2015. It is unrelated to the proposed development, other than the applicant offering a footway and incorporating this into their proposed access arrangements. Residents of Lunesdale Court are knowingly located outside the village and have chosen to live in this location despite the existing poor footway connections. Their rural, somewhat isolated location is clearly part of its attraction. Formalising footways between isolated rural houses/complexes to larger settlements has quite profound environmental implications. In summary, the provision of the footway between the proposed access and Lunesdale Court is being offered to provide some betterment and benefit to a small number of the local community – it is not requirement to make the development acceptable. On this basis, Members are advised to give little weight to the needs of some residents of Lunesdale Court rather what is required to make this development acceptable. This would be pedestrian links to the village and not in the direction towards Lunesdale Court.
- 7.4.8 In terms of the internal layout and parking provision, by in large these are details reserved for subsequent approval. The indicative plan has been revised to remove the originally proposed footway incorporated into the access arrangements to the east of the access toward Butt Yeats, namely because the footway was regarded superfluous and potentially dangerous given it was not connecting to a footway but an area of grass verge. Overall, subject to the imposition of conditions

relating to the proposed pedestrian connections, the scheme can deliver safe and suitable access for all and supports appropriate pedestrian connectivity as required by policy SC1 of the CS, DM20 and DM21 of the DM DPD and paragraph 32 of the NPPF.

## 7.5 Impact on the AONB and Countryside Area

- 7.5.1 The proposed development is located within the Forest of Bowland AONB. Paragraph 115 of the NPPF states that *great weight should be given to conserving landscapes and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scene beauty*. Paragraph 116 goes on to state that *planning permission should be refused for major development in these designated landscapes except in exceptional circumstances and where it can be demonstrated they are in the public interest*. This national policy position is enshrined in the Local Plan policy DM28. Specifically, policy DM28 states that *proposals which would have a significant adverse effect upon the character of the landscape or which would harm the landscape quality will not be permitted*. Saved policy E3 echoes this approach and clearly states that development which would have a significant adverse effect upon the character and quality of the landscape will not be permitted.
- 7.5.2 The application has been submitted with a Landscape and Visual Impact Assessment (LVIA) and rebuttal reports to the AONB Officers comments to the withdrawn scheme or the previously drafted committee report (later withdrawn). Officers have assessed the scheme and the LVIA and in reaching this recommendation have had regard to Section 85 of the Countryside and Rights of Way Act 2000. This places a statutory duty on the local planning authority when assessing and determining a planning application within the AONB, to have regard to the purposes of conserving and enhancing the natural beauty of the AONB.
- 7.5.3 The FoB AONB Landscape Character Assessment characterises the application site and its landscape within the Lune Landscape Character Area (LCA) and Valley Floodplain Landscape Character Type (LCT). The landscape is characterised as flat, wide floodplains of the River Lune surrounding by rolling drumlins and hills. The overall visual sensitivity within the Valley Floodplain Landscape Character Type is considered to be high, as a result of the generally strong indivisibility with surrounding higher landscape Character Types and the strong sense of openness within views along the valleys. Features include a strong cultural pattern of hedgerows and stone walls which delineate field boundaries and contribute to high cultural sensitivity. As a result of these factors, this Landscape Character Type is considered to have limited capacity to accommodate change without compromising key characteristics of this LCT. Wennington Road and land beyond to the south, in the vicinity of the application site, is defined within the FoB AONB Landscape Character Assessment as Caton LCA and Undulating Lowland Farmland and Wooded Brooked LCT. The key characteristics of this LCT relates to the patchwork of pasture field and wooded troughs and gorges; a network of hedgerows and stone walls that delineate field boundaries, and; scattered cottages and clustered villages. The Caton LCA specifically refers to minor roads lined by mature hedgerows with specific guidelines to ensure highway improvements respect and reflect local character.
- 7.5.4 The FoB Management Plan clearly sets out that all development is expected to conform to a very high standard of design, to be in keeping with local distinctiveness and should seek to conserve and enhance the AONB's natural beauty. Development that is considered to have a materially adverse impact can only proceed where it is demonstrated that it satisfies an over-riding national need (paragraph 116 of the NPPF).
- 7.5.5 The first step in the assessment of this proposal is whether the proposal should be judged 'major' in the context of paragraph 116 of the NPPF. The NPPF states that whether proposed developments within these designated sites should be judged 'major' will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable. Case law is beginning to assist in the assessment of whether a proposal is regarded 'major' or not. It is clearly not based on a prescribed set of criteria, nor the definition of 'major' for the purposes of the Development Management Procedure Order, or if it requires EIA. It is a matter of a planning judgement for the decision maker in light of all circumstances and the context of the site.
- 7.5.6 In this case having regard to the scale and amount of development proposed, the landscape assessment and localised site constraints, Officers are satisfied that the scheme would *not*

constitute 'major' development in its ordinary meaning. This is contrary to the interpretation of 'major' set out in the FoB AONB Officer's comments. However, this does not diminish the great weight that should still be afforded to the protection of the AONB designation, nor does it alter the statutory purpose of the AONB designation which is to conserve and enhance the natural beauty of the area.

- 7.5.7 The LVIA indicates that site encompasses the eastern side of a drumlin and then looks at the site in two sub-areas. The northern sub-area relating to the part of the site that steeply slopes towards the northern boundary and the southern area which slopes more gradually toward the southern boundary. The assessment sets out the national and county character areas and types and considers the more recent FoB AONB Lancaster Character Assessment. It includes representative viewpoints and photomontages which were agreed with Officers in advance of the submission and then considers the predicted likely landscape and visual effects that would arise from the development. In addition to the LVIA a detailed Arboricultural Implication Assessment (AIA) has been submitted including methodology for hedgerow translocation along the southern boundary of the site. The Council's Tree Protection Officer has no objections to the development and the hedgerow translocation.
- 7.5.8 It is not disputed that the landscape value of the site and its surrounding landscape is judged to be high, and that the landscape associated with the application site is on the fringe of Hornby which is influenced by existing development and recently consented schemes along Station Road and its immediate surroundings. Officers had previously raised concerns over the lack of assessment of the visual and landscape impacts associated with the proposed access. The applicant's rebuttal to this simply argues that the viewpoints were agreed with Officers of the Council and then argues that the visual effect of the entrance would primarily be on motorists approaching the site. It accepts adverse effects on some of the landscape features (greenfield site and loss of hedgerow for the access). The applicant contends this is a small proportion of the total quantity of these features in the Valley Floodplain landscape character type and that the impacts will be mitigated (after 10 years based on their Landscape Strategy). Whilst such loss may represent a small proportion in total, it does not make the loss acceptable.
- 7.5.9 The landscape effects will be a direct loss of improved grassland and the loss of approximately 11m of hedgerow to accommodate the new vehicular access. The landscape effects also include the significant alterations to the southern field boundary, principally by the setting back of the existing field boundary and the widening of the carriageway to incorporate a grass verge (in places) and a 2m footway for a length of almost 130m. This includes the translocation of the existing hawthorn hedgerow along the southern boundary of the site. This is to provide the visibility splays for the new access, plus an additional length of footway to provide a pedestrian connection from the site to Lunesdale Court.
- 7.5.10 The LVIA concludes that for a landscape with high to medium sensitivity to change the level of effect would be substantial to moderate. The assessment contends that the development would have direct effects on a relatively small portion of the Lune LCA, though this does not sufficiently take account of the works required to the southern boundary to facilitate the proposed access or the topography of the site, and argues the proposal simply moves the edge of Hornby westwards by 115m from the edge of the existing development (Ingleborough View), leading to a moderate to slight direct and indirect effects on the Lune LCA. In the case of the Caton LCA, the LVIA concludes the proposal would be perceived to be contiguous with existing development on Station Road and Station Court and when viewed from elevated parts of this LCA the development would form an improved edge to this part of the village by introducing new hedgerows. The LVIA suggests the level of effect would be moderate to slight. The submitted assessment concludes that overall the direct landscape effects on the FoB AONB are also moderate to slight and the indirect landscape effects slight to negligible. The application contends that the development could be accommodated given the relationship of the site with the edge of Hornby and the provision of green infrastructure to sustain and enhance the character of the landscape surrounding the site.
- 7.5.11 With regards to visual effects, the LVIA concludes that the visual effects are limited due to the enclosed character of the site and the surrounding landscape affording high level visual screening. It indicates that where views are obtained, they would be in the context of the existing edge to Hornby. The greatest level of visual effect is judged substantial and adverse on the views of residents living in property adjacent to the site.

- 7.5.12 In terms of the landscape and visual effects, the LVIA places significant weight on the indicative landscape strategy (landscaping) which unlike the withdrawn scheme, is now applied for as part of this outline application. Whilst the landscape strategy provides some mitigation this will not be realised for several years after completion (10 years).
- 7.5.13 Policy DM28 requires development proposals to be appropriate to the landscape character type and designation. This policy requires great weight to be attached to the protection of this nationally designated site in the determination of planning applications. Policy DM42 requires proposals to be well-related and demonstrate good design and siting in order to conserve and where possible enhance the character and quality of the landscape. Policy DM35 requires proposals to contribute positively to the identity and character of an area through good design and appropriate siting having regard to local distinctiveness.
- 7.5.14 Built development around Butt Yeats was historically considered outside the settlement of Hornby (this is evident on the historical maps). Hornby itself developed around the castle and bridge over the River Wenning. More recently we have seen development proposals come forward to the south of the disused railway (extending Hornby) which have been accepted as part of the settlement despite being slightly divorced from its centre by the disused railway line and associated bridge. Unlike this development, these development proposals have been accessed via the existing built-up area of the settlement namely, Station Road. They have also been positioned on relatively flat land reflective of the existing built development along Station Road. In this case, the proposal seeks to introduce a new access off Wennington Road in a location considered outside the built-up part of the settlement. Except for small clusters of development along its length such as Lunesdale Court and Butt Yeats, Wennington Road represents a typical rural road characterised by high hedgerows immediately abutting the winding carriageway as it runs through the valley with undulating pasture land beyond. The proposal would significantly alter this character and charm by the setting back of the southern field boundary, the widening of the overall carriageway, the introduction of grass verges (in some places) and a 2m wide footway for a length of approximately 135m westbound towards Lunesdale Court. This would have a significantly adverse urbanising effect on the character of Wennington Road which would conspicuously contrast with the established rural character long Wennington Road, detrimental to the character and appearance of the rural area which in turn would fail to conserve and enhance the natural beauty of the AONB. The development's access does not positively respond or relate well to the existing built settlement and would represent an inappropriate extension of the built environment in this location.
- 7.5.15 The applicant's rebuttal document argues that the proposed access and footpath along Wennington Road would not be an uncharacteristic element of the 550m stretch between Lunesdale Court and Station Road. What is not acknowledged by the applicant is that the development around the junction of Butt Yeats is historic development focused around the crossroads with minimal access arrangements serving small-scale developments (one being a conversion). There are no footways and only narrow grassed verges. Secondly, the historic development around Butt Yeats is completely separated (albeit for a short distance) from the development of Lunesdale Court by open, rolling countryside. Policy DM42 makes it clear that new housing must be well-related to the existing built form of the settlement. For the reasons set out above, the application is not considered to be well-related to the existing built form and therefore fails this policy test. Because of this arrangement it is contended that the development would not conserve and enhance the AONB and would not represent development in scale and character to its surroundings – it would also lead to an unacceptable encroachment and extension of the built form of the settlement westwards along this stretch of Wennington Road.
- 7.5.16 In addition to the harmful visual and landscape impacts associated with the access arrangement, the scheme would introduce development elevated above existing development, Station Court and Station Road. As noted earlier, the site is located on the north and eastern sides of a shallow drumlin. The LVIA suggests the development will be partially screened by the drumlin when viewed from the west (viewpoints 3 and 5). Whilst the existing drumlin in this location would screen some of the development, based on the indicative layout and suggested scale of development, the landscape would in your officers' opinion be adversely affected by the introduction of a new roofscape and buildings extending above this drumlin across its entire north-south axis. At the junction of Wennington Road with the A683 (viewpoint 5) the existing drumlin provides a distinct landscape feature between the built-up part of Hornby (north of the disused railway line) and the cluster of development at Butt Yeats. In this location, there is a sense of openness through the valley bottom with views beyond of higher rolling landscapes. The development would diminish the

importance of this landscape feature (both in terms of landscape and visual effects) from these viewpoints.

- 7.5.17 Contrary to the applicant's assertions that the development would be perceived to be contiguous with existing development on Station Road and Station Court and that the effects of the development on the AONB would be judged (at worse) to be moderate with substantial visual effects restricted to a limited number of people living in properties adjacent to the site, Officers contend the landscape and visual effects at a localised level are more likely to be substantial. Whether the effect is judged moderate or substantial, the effects of the development are not considered acceptable. The proposal is deemed to be harmful to the visual amenities of the locality and the open and rural character of the area and that the proposed landscaping would not sufficiently mitigate the impacts. Subsequently, the proposal is considered contrary to policies SC1 and E1 of the CS, saved policies E3 and E4 of the Lancaster District Local Plan, policies DM28, DM35 and DM42 of the DM DPD and paragraphs 7, 17, section 7 and Section 11 of the NPPF.

## 7.6 Archaeology

- 7.6.1 Paragraph 128 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. An assessment of significance should be proportionate to the asset's importance but as a minimum the historical environment record should have been consulted. The Framework goes on to state that where there is potential for a development proposal to affect potential heritage assets with archaeological interest, an appropriate desk-based assessment and, where necessary, a field evaluation should be provided. This is echoed in policy DM34 of the DM DPD, which explicitly states that such assessments should be undertaken before the planning application can be determined to allow for an informed and reasonable planning decision to be made.
- 7.6.2 Following concerns from Lancashire Archaeology Advisory Service (LAAS) in relation to the previously withdrawn scheme, a Heritage Statement has been provided along with a geophysical survey.
- 7.6.3 The applicant's Heritage Statement attempts to consider the development in relation to known designated heritage assets, such as nearby listed buildings and the conservation area. The nearest designated heritage asset relates to the listed Grade II medieval cross base located around 70m to the east of the site. The Conservation Officer have not provided comments on this application, but on the withdrawn scheme (which is the same as what is currently proposed) raised no objections to the development. In the event of an approval, the key considerations will come at the reserved matters stage when the proposal will need to demonstrate that it is in scale and in character with the adjacent Conservation Area, with particular regard to architectural detailing and high quality materials.
- 7.6.4 Despite the applicant being made aware of LAAS's initial comments (on the withdrawn scheme), the submitted Heritage Statement fails to thoroughly address the potential archaeological interest associated with the site and surrounding area, and has been subsequently been criticised by LAAS. Whilst this could be considered contrary to paragraph 128 of the NPPF, the submission of the geophysical survey provides sufficient information to make an informed opinion about the likelihood of potentially encountering archaeological remains. The conclusions of the archaeological investigation appear to indicate that there has been some activity in the area of the site during the prehistoric period but that there was no evidence of a settlement or other 'built' form encountered. LAAS conclude that whilst the presence of archaeological remains cannot be completely ruled out, the probability of its existence is considered to be low and therefore no further archaeological investigation is necessary. On this basis, the development would not impact on known heritage assets or the historical or cultural environment.

## 7.7 Drainage and Flood Risk

- 7.7.1 The application has been accompanied with a Flood Risk Assessment and Drainage Strategy. The site lies within flood zone 1 which is identified as land at the lowest risk of flooding. The site has not been accompanied by any ground investigation or drainage surveys, but the applicant's consultant has undertaken a site visit and researched the geology of the area. This confirms that currently the site naturally drains to Mears Beck and that infiltration is unlikely to be feasible due to the ground conditions/soil types. The report indicates that surface water poses the highest risk of more frequent

flooding and that detailed surface water drainage from new development is critical and consequently an appropriate sustainable drainage system would be implemented as part of the proposal. This would seek to control surface water discharge to the watercourse at the Greenfield rate. To achieve this, appropriate surface water attenuation would be required on site. Despite local objections to the contrary, the Lead Local Flood Authority have raised no objection to the proposal subject to the imposition of conditions requiring a detailed drainage strategy before the commencement of development. In this case, unlike others, the site has the benefit of discharging surface water to the existing watercourse that runs alongside the application site in the event infiltration is proven not to be a feasible option. Subject to the detailed design and layout of the scheme, it should be possible to design-in appropriate surface water attenuation – though the location of which may be limited due to the topography of the site. On this basis, there would be no sound planning reason to refuse this outline planning application on flood risk/surface water drainage grounds. Policy DM39 recognises that appropriate conditions and/or legal agreement securing the implementation of SuDs and appropriate management and maintenance measures is a reasonable approach.

## 7.8 Residential Amenity

7.8.1 Policy DM35 relates to key design principles and requires new development not to have significant detrimental impact to the amenity of existing and future residents in relation to overshadowing, visual amenity, privacy, overlooking and pollution. The application is in outline form with layout and scale reserved for subsequent approval. Notwithstanding the wider landscape and visual amenity concerns, it is contended that the site could accommodate 11 units (not necessarily the housing mix suggested) in such a way to ensure residential amenity is protected. There are concerns in relation to the scale of units 9-11 marked on the indicative plan and the ability to provide sufficient useable gardens in this location given the sloping nature of the site. In the event of an approval, any subsequent reserved matters application would need to address these points without introducing features which would exacerbate the visual and landscape impacts associated with the scheme, such as terracing with large retaining features/boundary fences. At this outline stage, there are no grounds to resist the application in relation to residential amenity.

7.8.2 There have been objections raised in relation to further development around Station Road leading to an increase in noise and disturbance. Whilst the provision of an additional 11 units in this area would result in increased domestic activity, given the small-scale nature of the development such activity is not considered likely to lead to significant adverse impacts on the health and quality of life. It is also acknowledged that the site is positioned relatively close to an existing employment area. However, given the degree of separation from this employment area and the proposed landscaping this is unlikely to lead to a significant amenity issue.

## 7.9. Ecological Impacts

7.9.1 An ecological appraisal has been submitted in support of the application. Natural England confirm that the proposal is unlikely to affect statutorily protected sites. The site is dominated by species-poor improved agricultural grassland of limited ecological value, and overall the site has very limited potential to support any specially protected or priority species. Mitigation in relation to specific species has been set out in the submitted report, together with recommendations to retain hedgerow/trees and where this is not possible offer compensatory planting and habitat enhancement, such as the incorporation of SuDs and wetland habitat and additional landscaping. The Landscaping details would appear to provide some of the recommended mitigation. This level of mitigation is considered acceptable to prevent any harm to protected species and would provide opportunities for biodiversity enhancement. In this regard the proposal is considered acceptable and complies with the relevant national and local ecology/biodiversity planning policy.

## 7.10 Mineral Safeguarding

7.10.1 The application site (and surrounding land) is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states 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. The policy sets out circumstances where the Local Planning Authority may accept incompatible development, for example where there is an overriding need for the incompatible development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on

site constraints and the need for the proposed development. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.

- 7.10.2 The application has given limited consideration of Minerals Extraction with no ground investigation undertaken to evaluate the mineral resource. However, Officers have had regard to policy M2 and the relevant guidance and conclude that given the topography of the site; its position in relation to surrounding land also allocated for mineral safeguarding which is dissected by rural roads and scattered development; its sensitive location within the FoB AONB; the potential for buried archaeological remains, and; the proximity of the site to residential property, that the application site is highly unlikely to attract significant commercial interest in the land for mineral extraction.

## **8.0 Planning Obligations**

- 8.1 In the event of an approval, the affordable housing provision set out in paragraph 7.3.2 would be secured by legal agreement. In addition, the County Education Authority have requested an education contribution to the sum of £24,474 towards one secondary school place. Despite the applicant being willing to offer the contribution, as the County Education Authority's methodology is based on bedroom numbers, it is contended that in the event of an approval any planning obligation would require the Education Contribution to be calculated at the reserved matters stage.
- 8.2 In terms of public open space, the indicative plan shows that the site can accommodate a reasonable level of amenity space that has the potential to be well-designed and perform an appropriate function. There will be a requirement for an off-site contribution towards existing children's play/young people's facilities in the village, with the potential scope to incorporate a 5-a-side football pitch within the Station Road POS (to the north of the site). The Public Realm Officer has indicated that existing public open space provision in the village will be the responsibility of the Parish. The Parish have subsequently set out their needs and so any off-site contribution should be delivered in collaboration with the Parish Council. Like the education contribution, the methodology for calculating the POS contribution is based on bedroom numbers. It is therefore agreed that the POS contribution figure is to be determined at the reserved matters stage.

## **9.0 Conclusions**

- 9.1 The applicant has highlighted the approval of 23 dwellings off Royal Oak Meadow in Hornby (15/01593/OUT) noting Officers did not consider this 'major' development in the AONB despite the comments from the AONB Officer. The applicant has also referenced the appeal decision relating to the S J Barge site in Caton (14/00768/OUT) where the Inspector too contended that the development of 30 dwellings in the AONB was no 'major' development. Finally the applicant has stated that positive progress is being made by Story Homes in relation to land north of the high School site to accommodate a significant number of dwellings. The applicant claims that they cannot understand how their minor housing development is attracting such scrutiny in comparison to the above sites. In response, Officers agree that the proposal is not considered 'major' development for the purposes of Paragraph 116 of the NPPF. However, just because it is not 'major' development does not necessarily make the development acceptable (as set out in our assessment above). The two cases referred to are not comparable to this proposal. As a starting point, both cases were accepted to be well-related to the existing built form of the settlements affected. This is not the case here. As for the larger scheme for 80 dwellings, there has been no formal planning application for this proposal to provide any comparable evidence in support of the application. Should this larger site come forward, the local planning authority would expect this to be pursued, examined and tested through the Local Plan process. In light of the above, officers are not persuaded that the other planning decisions referred to by the applicant would materially alter our recommendation.
- 9.2 Whilst the proposal will make a small contribution to the delivery of market and affordable housing and that matters in relation to highway safety, pedestrian connectivity, flood risk, trees and hedgerows, biodiversity, residential amenity and public open space have been satisfactorily addressed (or capable of being addressed through the imposition of conditions), it is contended that the development is not well-related to the village and would lead to unacceptable encroachment into the countryside which is considered harmful to the open and rural character of the area; thus failing to conserve and enhance the natural, scenic beauty of the AONB. This impact is judged to significantly and demonstrably outweigh the small benefits of the proposal, when assessed against

the policies in the NPPF taken as a whole. Despite some support locally for the scheme including the Parish Council, Members are recommended to refuse the application.

### **Recommendation**

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

1. By reason of the siting and the extent of alterations required to the southern field boundary and Wennington Road to accommodate a safe and appropriate means of vehicular access to the site with adequate sightlines, together with the provision of a significant length of unnecessary footway along this stretch of rural road extending to Lunesdale Court, would lead to an overly-urbanising adverse impact that would be detrimental to the rural character, quality and appearance of this country road within the Forest of Bowland AONB. The proposal is therefore contrary to policies SC1, SC5 and E1 of the Core Strategy, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document, saved policies E3 and E4 of the Lancaster District Local Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 17 and Section 7 and 11.
2. The development proposed by virtue of the sites position on the north and east sides of a drumlin, partially elevated above surrounding development, together with the inappropriate siting of the vehicular access, would result in overly-prominent development that poorly relates to the existing built form of the settlement and as a consequence will unacceptably encroach the countryside to the detriment of the natural beauty, character and appearance of the AONB and the visual amenity of the countryside area, therefore failing to represent sustainable development. The proposal is therefore contrary to policies SC1, SC5 and E1 of the Core Strategy, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document, saved policies E3 and E4 of the Lancaster District Local Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 17, Section 7 and 11.

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

In accordance with the above legislation, Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant had taken advantage of this service prior to their first submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. Unfortunately some of the problems associated with the scheme are so fundamental that they are incapable of being resolved as part of the current submission.

### **Background Papers**

None