

Agenda Item A8	Committee Date 5 June 2015	Application Number 14/01030/FUL
Application Site Agricultural Building Adj Disused Railway Station Road Hornby Lancashire		Proposal Erection of 9 dwellings and associated access
Name of Applicant Mr Ian Beardsworth		Name of Agent Harrison Pitt Architects
Decision Target Date 20 November 2014		Reason For Delay Negotiation of affordable housing
Case Officer		Mrs Eleanor Fawcett
Departure		None
Summary of Recommendation		Approval – subject to legal agreement details

(i) Procedural Matters

This application was reported to Planning Committee on 8 December 2014 and it was resolved that consent be granted subject to the receipt of amended plans to address some design issues. Just prior to the December meeting the Government introduced guidance to reduce the burden of affordable housing on developers for smaller schemes. This sets out that, within Areas of Outstanding Natural Beauty, affordable housing should only be requested on residential schemes of over 5 units and this should be in the form of a financial contribution, paid after completion, if the scheme proposes between 6 and 10 units. As such, the applicant requested that the affordable housing takes the form of off-site provision in the form of a financial contribution. Following this, a financial appraisal has been submitted as the applicant has set out that there are extraordinary costs that would make that contribution unviable. As this differs from the determination in December, which required on-site provision of affordable housing, the application is being reported back to Committee.

1.0 The Site and its Surroundings

- 1.1 The application relates to land on the north east side of Station Road, at the southern edge of the village of Hornby. It is outside the Conservation Area but within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The site consists of a former agricultural building, which is used for storage, and the adjacent field to the east, which is roughly triangular in shape. There is a small yard area to the south west of the building and a well-established hedgerow along the boundary with the highway. The site slopes very gently downwards away from the highway towards the north east, with a more distinct change in levels adjacent to the northern boundary where it slopes downwards to a former railway line. Beyond this the land rises significantly up to Bee's Head. On the adjacent highway, there is a narrow bridge over the dismantled railway which has no separate footpath – only a line on the south west side of the road demarcating the “carriageway” from the footway”.
- 1.2 To the north east and south east of the site is open farm land which undulates slightly and is enclosed by stone wall, hedges, and a metal fence at the corner of the nearby road junction. On the south west side of the highway, opposite the site, is a row of residential properties known as

Ingleborough Terrace. These comprise both terraced and semi-detached dwellings, with the middle terraced properties containing no off street parking. There is also a group of stone properties positioned around the crossroads to the south, at the junction of Station Road, the B6480 and Moor Lane. There is a footpath in front of the properties on Ingleborough Terrace which stops before the bridge. There is no formal footpath towards the village centre for approximately 150m. The site is approximately 400m from the nearest shop within the village and is on a bus route.

2.0 The Proposal

2.1 Planning permission is sought for the erection of nine dwellings. Outline permission has previously been approved for the erection of six dwellings on a smaller site. This proposal extends the site into the remainder of field to the north east. The development is proposed to be sited around a rectangular courtyard area with access from the highway located towards the southern end of the site frontage. A footway is proposed along the site frontage. The development will comprise 4 four bedroom dwellings, 3 three bedroom dwellings and 2 two bedroom dwellings. All but the two smaller properties are proposed to have garages. The buildings are proposed to be finished in stone with slate roofs and have timber framed windows and doors.

3.0 Site History

3.1 There is an extensive planning history on the site. The most relevant is set out below.

Application Number	Proposal	Decision
14/00544/OUT	Outline application for the erection of 3 dwellings	Withdrawn
13/01201/OUT	Outline application for the demolition of the existing barn and the erection of 6 residential dwellings	Approved
13/00862/OUT	Outline application for the demolition of the existing barn and the erection of 4 residential dwellings	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No objection subject to: <ul style="list-style-type: none"> • The complete removal of the hedgerow all of the way to the bridge; • Installation of a pavement in place of this hedge; and • Provision of 1 parking space each for the two houses opposite which do not have off-road parking.
Natural England	The proposal is unlikely to affect any statutorily protected sites or landscapes.
County Highways	No objection subject to conditions requiring: construction of internal mews court vehicular access to at least base course before any development takes place; visibility splays measuring 2.4m by 45 metres in each direction; wheel cleaning facilities; scheme for construction of means of access; a pedestrian hard surfaced length of footway extending from the sites point of access with Station Road and along its frontage to a point on the "red edge" of the site's northern boundary.
Environmental Health	No objection subject to standard contamination conditions and hours of construction and advice relating to dust control and construction code of practice.
Tree Protection Officer	No objection subject to conditions requiring: No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed; Tree Works Schedule and Arboricultural Method Statement; Landscaping scheme; and Tree Protection Plan.
Public Realm Officer	Recommend that a contribution of £10,000 is provided to enable the parish council to make improvements to the village play area as required which will cater for children and young people (up to 14s). Suggest that the money is used to repair or replace the zip wire with similar or another item(s) catering for this age range in the future.
United Utilities	No comments received
Forest of Bowland	No comments received

5.0 Neighbour Representations

5.1 11 pieces of correspondence (from 9 different residences) have been received which raise the following concerns:

- Increase in traffic and impact on highway safety including cyclists
- Loss of parking on street for existing properties at Ingleborough View
- Safety of proposed access
- Impact on the AONB
- Impact on the character of the village
- Loss of view for residents opposite
- Lack of safe footway to centre of village
- Does not meet the rural housing need
- Capacity of the sewerage system
- There has been other recent development in Hornby
- Density of development
- The site is outside the village boundary
- Inconsistency with highway comments in relation to development on same road
- Impacts of dust during construction

5.2 One letter of support has been received which gives no further comments.

6.0 Principal National and Development Plan Policies**6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
 Paragraph 32 – Access and Transport
 Paragraphs 49 and 50 - Delivering Housing
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraph 115 - Areas of Outstanding Natural Beauty
 Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC3 – Rural Communities
 SC4 – Meeting the District's Housing Requirements
 SC5 – Achieving Quality in Design

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

E3 – Development affecting Areas of Outstanding Natural Beauty
 E4 – Countryside Area

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
 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
 DM35 – Key Design Principles
 DM41 – New Residential dwellings
 DM42 – Managing Rural Housing Growth

6.5 Other Material Considerations

Meeting Housing Needs Supplementary Planning Document

7.0 **Comment and Analysis**

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

- Principle of development
- Scale, design, layout and impact on the AONB
- Access and highway impacts
- Impact on residential amenity
- Impact on trees and hedgerows
- Ecological impacts
- Affordable housing
- Drainage
- Contaminated land
- Open Space

7.2 Principle of Development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Policy E2 also emphasises that the Council will minimise the need to travel by car and Policy SC3 of the Core Strategy states that 10% of new homes will be allowed to meet local housing needs in villages, focussed in those that have five basic services. Hornby is identified as one such village and as such is considered to be a sustainable location for new residential development. This is also reflected in Development Management DPD policy DM42. The site is a mixture of brownfield and greenfield land as it includes both the storage building and part of the adjacent field. It is located towards the southern edge of the village, though slightly divorced from its centre by the former railway line, associated road bridge and rising land on the north east side of the road. On the south east side of the road is a row of residential properties, which continues on the other side of the bridge. The land on the north east side of the highway, between the site and the main built up area of Hornby, would be difficult to develop as it rises significantly from the road level.

7.2.2 The site is opposite existing residential properties and the proposal relates to a small scale development of nine houses. There is a regular bus service along Station Road, an employment site located approximately 200m to the north west and services within the village, including a shop, post office and nursery, approximately 400m from the site. There is a lack of a formal footway for around 150m of the road into the village centre which is a disadvantage to this location. However, given the need for the housing within the District, and that Hornby is a village which is considered suitable for growth, the development of this site is considered acceptable in principle as it relates well to existing development and is within walking distance of services. The principle of development on most of the site has already been established through the granting of consent for six dwellings in April 2014.

7.3 Scale, design, layout and impact on the Area of Outstanding Natural Beauty (AONB)

7.3.1 The land to the east and south east consists of relatively flat agricultural land, with rising land to the north. The proposal will replace the storage building and also occupy part of the adjacent field. There are dwellings on the opposite side of Station Road and as such the development will be viewed in the context of these buildings and against the rising land. It will be visible across the fields to the east. However, providing that the buildings are of a design which is in keeping with the character of the area and have appropriate boundary treatments and landscaping, the development of nine two storey dwellings is not considered to have a detrimental impact on the character or appearance of the designated area. The Forest of Bowland AONB Unit has been consulted and any comments will be reported at the Planning Committee meeting.

7.3.2 The dwellings are proposed to be positioned around an internal rectangular courtyard. The site plan shows this to be surfaced in tarmac, however the agent has indicated that the intention is for this to be surfaced in block paving, probably grey. Concerns were also raised with the agent regarding the extent of the hardstanding proposed as it will result in a very car dominated scheme. This has not been altered, however, an artist's impression has been submitted and this shows that most of this would not be visible from the main highway. Some alterations have been made to the driveways to

reduce the width and visual impact. Most of the buildings also include integral garages which are not considered to be in keeping with the rural character. Detached garages set back into the site, to allow for some parking behind the building line would be more appropriate. However, this aspect has not been altered and it is not considered that it has a significant adverse impact on the appearance of the scheme.

- 7.3.3 Some concerns were also raised regarding the design of some of the dwellings and it was not considered that they fully reflect the rural character of the area. A pair of 2-bed dwellings is proposed at the junction of Station Road and the new access road. Concerns were raised regarding the orientation of the properties facing onto the access road rather than the existing highway. However, it is appreciated that this will help retain the large hedge adjacent to the highway. The agent has indicated that a different orientation has been considered but there were issues with locating both the parking and garden areas adjacent to both dwellings. A dual frontage was suggested in order to improve its appearance from the main road. A larger bay window has been shown facing the main road which goes some way to addressing the concerns.
- 7.3.4 The house type containing the three bedrooms appears to have been designed to look like there is a two storey extension on the side. It was been advised that the design should be simplified, possibly including a simple pitched roof porch, chimney and detached garage. In relation to the four bedroom dwellings, the design was considered to be overly complicated and concerns were raised regarding the asymmetrical roof, and the central section on the front elevation. Changes have been made to the roof line on both these house types and asymmetrical elements have been altered with a more traditional frontage adopted. A few options were put forward for the three-bed dwellings in order to overcome the concerns regarding the addition to the side of the main part of the house. The most acceptable is considered to be the option that reduces the height of this element and includes a small pitched roof dormer to the front.
- 7.3.5 The overall layout of the proposed dwellings appears to be broadly acceptable. A few of the gardens have rear gardens which measure less than 10 metres in depth, although this is compensated by their width with the smallest area being approximately 96 square metres. They have been positioned to ensure adequate separation between facing windows and daylight to habitable rooms. The highest dwelling has been shown at 8.2 metres which is considered to be appropriate for this location. Finished floor levels can be requested as part of a condition. The dwellings are proposed to be finished in natural stone with a slate roof and boundary treatments will predominantly be hedgerows.
- 7.3.6 Given the amendments that have been made to the scheme, the development is considered to be acceptable in terms of its scale, siting and design and will not be detrimental to the character and appearance of the locality in general and the AONB.

7.4 Access and highway impacts

- 7.4.1 A new access is proposed onto Station Road which has a 20mph speed limit. Visibility splays of 2.4m by 45m have been shown at the point of access with some removal and trimming of the hedge adjacent the highway. County Highways is satisfied with the access and does not consider that it will be detrimental to highway safety. A courtyard area is proposed in the centre of the site which will provide sufficient turning for service vehicles. Each property has at least two parking spaces, although two of these rely on spaces within garages. This provision is considered to be acceptable. Some of the properties on Ingleborough View do not have off street parking and as such the location of the access point may prevent them parking outside their properties. However, as the proposal is not considered to be detrimental to highway safety, this is not considered to be a substantial reason to resist the application.
- 7.4.2 The main concern with regard to highway safety relates to the lack of a formal footpath between the site and the centre of the village for approximately 150m. There are markings on the highway over and at either side of the bridge. However, this provides a very narrow walkway with no physical separation from vehicles using the highway. The Highways Officer has requested the construction of a length of footway along the site's frontage with Station Road terminating at a point between the site's boundary and disused former railway line such as to future proof the creation of a safe and appropriate means of pedestrian access along Station Road and into the centre of Hornby while negating pedestrian use of the adjacent railway bridge. A strip of land has been identified on the submitted plan where this could be located. If created this would not link to any other rights of way

but there would be potential for it to be continued across the adjoining land to provide a link to the village in the future.

7.4.3 A concern has been raised by a neighbouring resident with regards to inconsistencies in responses from County Highways between this and another proposal on the same road. To clarify, the objection on the other application was due to the lack of adequate visibility splays, without relying on land outside the applicant's ownership, which is not the case with this proposal.

7.5 Impact on Residential Amenity

7.5.1 The nearest residential properties are those on Ingleborough View on the opposite side of the highway to the site. The closest relationship between on and offsite dwellings is approximately 23 metres. This is an acceptable distance to ensure that there would not be a detrimental impact, by way of loss of privacy or light, on the occupiers of the existing dwellings.

7.6 Impact on Tree and Hedgerows

7.6.1 A tree and hedgerow survey has been submitted with the application. There is a hedge along the boundary with the highway which will be partly removed to accommodate the access, and cut back to provide adequate visibility. There are some more significant trees to the north west of the site, mainly just outside the site boundary, which are to be retained. The loss of part of the hedge is not considered to have an adverse impact on the character and appearance of the area, providing that sufficient additional planting is provided.

7.6.2 The construction phase has significant potential to cause harm to trees. The Tree Protection Officer requested a detailed assessment is required in relation to BS 5837 (2012) to include a detailed Tree Survey, Tree Constraints Plan and Tree Protection Plan. Following receipt of this, the proposal is not considered to have a significant impact on trees subject to conditions set out in Section 4.

7.7 Ecological Impacts

7.7.1 An ecological appraisal has been submitted. This sets out that the site supports habitats which are of limited value to notable species, there are no past records of protected or notable species on the site, there is some potential for nesting birds in the hedgerow and scrub area adjacent to the highway, and some potential for birds and bats to be negatively affected by the proposals but those impacts will be negligible with mitigation. Mitigation has been set out in the report in relation to bats, badgers, nesting birds, reptiles and amphibians. This mainly relates to the timing of works, precautionary measures when removing vegetation and buildings and storage of materials. This mitigation is considered acceptable to prevent any harm to protected species and nesting birds.

7.8 Affordable Housing

7.8.1 The Meeting Housing Needs Supplementary Planning Document sets out that 20% affordable housing should be provided on rural sites where 5 to 9 houses are proposed. This equates to 1.8 units in relation to this proposal. The application previously proposed 2 dwellings for affordable rent on site. Following the change in Government guidance in relation to affordable housing provision, the applicant initially requested that this be provided in the form of a financial contribution instead of on-site provision. As the guidance sets out that on-site provision should not be required for schemes of 10 dwellings or less within AONBs, this approach is considered to be acceptable. This should be broadly equivalent to providing 20% affordable housing on site, calculated using the methodology in the Meeting Housing Needs SPD.

7.8.2 A Financial Viability Report has now been submitted which sets out that it will not be financially viable to provide a contribution towards affordable housing. This is due to a contribution of £10,000 towards improvements to the village playground in addition to costs associated with the demolition of the building, some contamination remediation, the realignment of a public sewer and the installation of a pumping station on the foul sewer due to the ground levels. Some further information has been requested in relation to the costs. An update on discussions will be reported at the meeting. However, it is unlikely that a contribution will be provided.

7.9 Drainage

7.9.1 The development is proposed to be connected to the existing mains drainage. United Utilities has been consulted but have not responded. In relation to surface water, a percolation test was undertaken on the site in July 2013 following the guidelines in Part H2 of the Building Regulations. The submission sets out that the site can be drained as per the Building Regulations requirements. Precise details in relation to surface water drainage can be requested as part of a condition if consent is granted.

7.10 Contaminated Land

7.10.1 No response has been received from the contaminated land officer. However, comments were received on the previously approved proposal to the submitted Preliminary Risk Assessment. It was confirmed that the initial assessment adequately characterises the potential contaminant setting of the site and standard contamination conditions were requested. The part of the site most likely to have potential for contamination was covered by the previous scheme. As such, the previous recommendations are considered appropriate to this scheme.

7.11 Open Space

7.11.1 The Public Realm Officer has assessed the application and set out that there is no provision for young people's facilities or allotments within the area and that the existing children's play space within the village is of poor quality. Although the layout plan shows a good allocation of outdoor space per dwelling and a development of this size would fall below the requirements of on-site provision of amenity space and a children's play area, it does attract off site contributions to children's and young people's facilities. A contribution of £10,000 has been requested to enable the Parish Council to make improvements to the village play area as required which will cater for children and young people. It has been suggested that the money is used to repair or replace the zip wire with similar or another item(s) catering for this age range in the future. The applicant has agreed to the payment of this financial contribution.

8.0 Planning Obligations

8.1 A Unilateral Undertaking is required to secure the contributions towards improvements to off-site open space (if the further information on affordable housing does prove that the affordable housing contribution is not viable).

9.0 Conclusions

9.1 The site is located within a village which is considered suitable for growth and, although it is slightly separated from the centre, it is considered to be sustainable and will help towards the provision of housing within the District. It is considered that the development will not have a detrimental impact on the AONB, the amenities of the neighbouring properties, ecology, trees or highway safety. As such, the development is in accordance with local and national policy.

Recommendation

Provided that acceptable details in relation to the affordable housing contribution are provided, Planning Permission to **BE GRANTED** subject to a legal agreement in relation to open space contributions and the following conditions:

1. Standard time condition
2. In accordance with plans
3. Scheme for construction of site access
4. Construction of internal mews court vehicular access to at least base course before any other development takes place
5. Visibility splays measuring 2.4 by 45 metres in each direction
6. Creation of pedestrian hard surfaced length of footway extending from the site's point of access with Station Road and along its frontage to a point on the "red edge" of the sites northern boundary
7. No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development.
8. Landscaping scheme

9. Tree Protection Plan
10. Tree Works Schedule and Arboricultural Method Statement.
11. Management scheme for the roadside hedgerow across site frontage and up to the railway bridge
12. Details of materials including sample panel of stone with mortar
13. Details of windows and doors
14. Rainwater goods, eaves, verge and ridge details
15. Surfacing materials
16. Finished floor levels in relation to a fixed datum point
17. Boundary treatments
18. Scheme for the disposal of foul and surface water
19. Investigation and remediation of contaminated land.
20. Details in relation to the importation of soil, materials & hardcore
21. Scheme for the prevention of new contamination
22. Bunding of Tanks containing fuels/solvents
23. Ecological mitigation set out in submitted report
24. Hours of construction
25. Construction Method Statement
26. Creation and retention of parking
27. Removal of permitted development rights in relation to fences, walls and gates

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

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.