

Agenda Item A13	Committee Date 3 June 2019	Application Number 19/00336/OUT
Application Site Land off Bay Horse Lane Bay Horse Lancashire		Proposal Outline application for the erection of two dwellings and associated access
Name of Applicant Mr & Mrs Spence		Name of Agent Dan Ratcliffe
Decision Target Date 22 May 2019		Reason For Delay Committee Cycle
Case Officer		Mrs Eleanor Fawcett
Departure		None
Summary of Recommendation		Refusal

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request was made by Councillor Helen Helme for the application to be reported to the Planning Committee on the basis that the proposal would not be detrimental to the rural setting of Bay Horse or constitute ribbon development.

1.0 The Site and its Surroundings

1.1 The site relates to part of a larger agricultural field, located adjacent to Bay Horse Lane, close to the southern edge of the District, and is approximately 400 metres from the A6. There is a hard surfaced verge between the carriageway and the site which is bounded by a hedgerow. To the northeast of the site is an electricity substation and a group of industrial buildings, beyond which is the West Coast mainline railway. On the opposite side of the highway, to the north and north west, is the Bay Horse public house and its associated car park. To the southwest is a detached dwelling. The site is located within the Open Countryside and there is a high pressure gas pipeline located approximately 250 metres to the northwest. It is also within an area identified as being susceptible to ground water flooding.

2.0 The Proposal

2.1 Outline planning permission is sought for the erection of two dwellings and the creation of an associated shared access. All matters are reserved with the exception of the access which is proposed towards the centre of the site's frontage with the highway.

3.0 Site History

3.1 An outline application was submitted in 2018 for the erection of three dwellings (18/01125/OUT). The boundary included the current application site and land to the southwest, extending up to the boundary with the adjacent dwelling, Bay Horse Cottage. This application was refused under delegated powers for the following reasons:

1. The site is located within the open countryside, divorced from key services and facilities and

as such it is considered to be unsustainable in terms of its location. There are considered to be no special circumstances, in this instance, to justify three new dwellings in this unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular section 5, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.

2. The development would result in an inappropriate form of ribbon development along this rural road within the open countryside and this, along with the proposed access arrangement, would have a detrimental impact on the character and appearance of the area. It is therefore contrary to the aims and objectives of the National planning Policy Framework, in particular Sections 12 and 15, and Policies DM28 and DM35 of the Development Management Development Plan Document.

Application Number	Proposal	Decision
18/01125/OUT	Outline application for the erection of three dwellings and associated access	Refused

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No objections.
County Highways	No comments received during the consultation period.
Environmental Health	No comments received during the consultation period.
Tree Officer	No objection subject to the submission of a detailed arboricultural implications assessment and a landscaping scheme.
Natural England	No comments to make.
Network Rail	No objection. It should be ensured that noise and vibration from the railway is adequately mitigated and drainage does not impact on the railway infrastructure.
United Utilities	Comments. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. A water main crosses the site and unrestricted access is needed for operating and maintaining it, and development would not be permitted over or in close proximity.
Cadent Gas	No objection.
Electricity North West	Comments. Confirm that they apparatus within the vicinity of the site.
Lancashire Fire and Rescue	Comments. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

5.0 Neighbour Representations

- 5.1 No comments have been received.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – The presumption in favour of sustainable development

Paragraphs 77, 78 and 79 – Rural housing

Paragraph 108, 109 and 110 – Access and transport

Paragraphs 124 and 127 – Achieving well-designed places

Paragraph 170 – Contributing to and enhancing natural and local environment

Paragraphs 170, 175 and 176 – Protecting and enhancing biodiversity

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

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

The Examination Hearing Sessions commenced on 9 April 2019

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.

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.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.5 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM27 – The Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM41 – New Residential Development
DM42 – Managing Rural Housing Growth

7.0 Comment and Analysis

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

- Principle of residential development
- Scale, design and landscape Impact
- Impact on highway safety
- Impact on residential amenity
- Ecological and Tree Implications

7.2 Principle of Residential Development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out sustainable rural settlements where new housing will be supported. It goes on to say that in other rural settlements proposals will be supported if it can be

demonstrated that the development will enhance or maintain the vitality of the local community and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

- 7.2.2 The application site is located in the open countryside, divorced from any of the villages identified in policy DM42 and is considered to be outside any other settlements. The nearest sustainable settlement is Galgate which is located approximately 2.6 kilometres to the north. It is unlikely that people would be able to walk to services, given the distance to these, with the exception of the nearby public house. There is a small employment site adjacent to the site, but particularly given its size, it is unlikely to provide employment for someone living at the application site. There is likely to be a strong reliance on private transport to reach services, though an alternative means of transport is available by way of a bus service on the A6. The bus stops, on both sides of the highway, are approximately 530 metres from the site, when accessed along Bay Horse Lane, although they are slightly closer from another smaller lane but this is much narrower and, although limited, Bay Horse Lane does benefit from some street lighting. This therefore gives an alternative means of transport, which includes to Galgate but also to Lancaster, Garstang and Preston. In terms of cycling, there are no designated cycle paths close to the site and the A6 is a busy highway which may discourage people using it. There are alternatives provided by rural roads, although these are mostly unlit.
- 7.2.3 Paragraph 78 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 goes on to say that decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. The term isolated is not defined in the Framework. The judgment of Lang J in *Braintree District Council v Secretary of State for Communities and Local Government* [2017] EWHC 2743 (Admin) determined that 'isolated' should be given its ordinary objective meaning 'far away from other places, buildings or people'. Therefore this site cannot be considered to be isolated for the purposes of the NPPF. That being said, the accessibility of the site in terms of proximity to services and amenities still needs to be considered.
- 7.2.4 Policy SC1 of the Lancaster District Core Strategy and Policy DM20 of the Lancaster Development Management DPD seek to minimise the need to travel and ensure new development is sustainable. The supporting text to Policy SC1 gives some guidance in relation to what would usually be considered as a sustainable location and includes housing to be located 400 metres safe walking distance from a public transport route and to be less than 1 kilometre from the District's Strategic Cycle Network. Whilst this is just guidance, the distance from the bus stops and lack of footways would mean that it is less likely that occupiers would be rely on the bus service or cycling to reach services and places of work. It is not be possible to walk to other services, with the exception of the public house, and it is therefore considered that there would be a strong reliance on private transport. Therefore it is considered that development in this location raises conflicts with both Policies SC1 of the Core Strategy and DM20 of the DM DPD. It is also considered that the proposal is contrary to Policy DM42 as the site is located outside a settlement.
- 7.2.5 Planning permission was granted in 2018 for the erection of two dwellings towards the southwestern end of Bay Horse Lane. The fact that the Council could not demonstrate a 5 year supply of deliverable housing sites was a strong consideration in the determination of the application and a tilted balance towards the supply of housing was applied. However, each application must be determined on its own merits and there were no other material considerations in this case which were considered to significantly weigh against this. It is also acknowledged that several appeals have been allowed within the District, some within locations which are less accessible, primarily as a result of the lack of a 5 year supply of housing, but also considering the site specifics and other implications of the proposals. Some of these did relate to previously developed land, being gardens to rural houses, which the current proposal does not have in its favour. Consent was granted at the Planning Committee in February 2019 for the development of two houses on another piece of land on Bay Horse Road. This was contrary to the Officers' recommendation set out within the Committee report, and will be discussed in more detail later in the report.

7.3 Scale, design and landscape impact

- 7.3.1 Outline consent is sought for the erection of two dwellings and the creation of a singular access to serve the development. All other matters are reserved, however the indicative plan shows these as two, relatively large, detached dwellings set back from the highway with parking to the front and with large rear gardens, around 21 metres in length. The application form sets out that dwellings would

have 4+ bedrooms and as such it is anticipated that these would be two storey.

- 7.3.2 The site relates to part of an agricultural field which separates the industrial development to the northeast from the residential properties to the southwest. The development would occupy just over two thirds of the width of the field, not including the electricity substation to the north east. The previous application at this site (18/01125/OUT) included the whole width of the field and, at the time it was being considered, another proposal had also been submitted for the erection of four dwellings approximately 135 metres to the south west (18/00988/OUT). Both these were refused under delegated powers. The cumulative impact of the two schemes and the existing consent for two dwellings towards the southwestern end of Bay Horse Lane, adjacent to the property Low Abbey, (18/00054/OUT) would have been continuous development for the majority of the eastern side of the highway between the A6 and the railway line.
- 7.3.3 The immediate area is characterised by either single or small groups of dwellings separated by areas of agricultural land. Most of these along this road are historic and are evident on both the first addition OS maps from the 1840s and 1880s. The main development absent from these relates to the industrial site (including its associated dwelling) and two properties approximately half way along this road, Lowfield and Stonehaven. The gaps between the domestic properties are very much part of the character of this rural area and the development would result in almost continuous ribbon development along this rural road, which would significantly alter the character and appearance of this rural area to its detriment. Whilst the current application is of a smaller scale than the previously refused scheme, the retained gap will be relatively insignificant in the context of the row of continuous development, and the encroachment into the larger field would significantly erode its character and appearance, making it more difficult to resist further development along the retained frontage. It could be argued that the retention of this gap is now even more important given the outline consent of two houses that was granted consent contrary to Officer's recommendation at the Planning Committee in February. Whilst the approved development is likely to be more harmful than the current proposal, given the slightly different nature of the sites with the current one having a slightly more enclosed character due to the presence of the industrial site, railway line and public house opposite, it is still considered that it provides an important visual gap
- 7.3.4 It is acknowledged that to the north east, beyond the railway line, are rows of residential properties with formalised pavements to the front on either side of the M6 motorway, which appear to have been constructed around the early to mid 20th century. These front onto Whams Lane and this development gives this road a very different character to Bay Horse Lane. These dwellings are not viewed in the context of the application site, being separated by the railway line and open fields. One of the appeals that was allowed for a new dwelling in the open countryside, is located on this road, to the northeast of the M6. In this instance it resulted in an infill between properties which already formed a continuous row and was partly on brownfield land. It was therefore considered not to cause harm to the character and appearance of the area. The context of the current application is very different, as outlined above, and the loss of the agricultural land which separates the existing built development, would significantly and demonstrably harm the character and appearance of the area particularly in conjunction with the approved developments to the south west. It is acknowledged that the development of two dwellings adjacent to Low Abbey was granted consent, but set out in the previous Committee report for the further development on Bay Horse Lane the consent would still leave a significant separation between the existing development to the north east and it was therefore considered that this would not create a precedent for the current proposal. Whilst the further application was granted consent, it probably makes the retention of this open field and break in development more important, as discussed above. It should also be noted that this was recommended for refusal due to the harm to the character of the area, so the assessment of the harm of this application and recommendation is consistent with this and the assessment of the two previously refused applications along Bay Horse Road. In any event, each application must be determined on its own merits.
- 7.3.5 Policy DM28 of the DM DPD sets out that the Council will support development which is of a scale and in keeping with the landscape character and which is appropriate to its surroundings. The site is located within a landscape character defined as Undulating lowland farmland, sub category 5i (West Bowland Fringes) within the Lancashire Landscape Character Assessment (December 2000). Within the associated Landscape Strategy (December 2000), in relation to this landscape type it sets out that ribbon development, which would disrupt the characteristic clustered form of settlements and the rural character of local roads, should be avoided. Whilst this is general guidance to this landscape character type, for the reasons sets out above, it is considered that the proposal, both individually

and cumulatively with the other approved developments, would adversely impact the rural character of this road. Whilst this has already happened in the past on Whams Lane, this does not justify further erosion of the landscape and development pattern within this part of the countryside.

7.3.6 Policy DM35 also sets out that new development should make a positive contribution to the surrounding landscape or townscape and development should contribute positively to the identity and character of the area through good design. In addition to the impacts set out above, in terms of the creation of a ribbon form of development, it is also considered that the layout of the development fails to respond to the characteristics of the area. Whilst it is an outline application, the indicative plan shows two large dwellings, occupying most of the width of the site with a very minimal separation distance. This layout also leads to a large area to the front being used for parking and laid with hardstanding, which is likely to be larger than shown given the size of the dwellings and required space for turning. The current arrangement would not contribute positively to the identity and character of the area and will create quite a dense and more urban form of development. Whilst this could be partly overcome by reducing the sizes of the dwellings, these would need to be significantly reduced in order to provide adequate separation to help maintain the openness of the area and prevent the frontage being dominated by hardstanding and vehicles.

7.3.7 Paragraph 127 of the NPPF sets out that proposals should ensure that developments are sympathetic to local character and history, including the surrounding building environment and landscape setting. Whilst it is acknowledged that the site is not within a designated landscape area, this does not mean that the landscape does not provide an important setting to the existing development as discussed above. Paragraph 170 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. For the reasons set out above, it is considered that the development would have a detrimental impact on the character and appearance of the area, contrary to both local and national planning policy.

7.4 Impact on highway safety

7.4.1 A single point of access is proposed from Bay Horse Lane to serve the development. This road has a speed classification of 60mph. Visibility splays of 2 x 33 metres (north) and 2 x 120 metres (south) have been proposed. A response from the Highway Authority has not yet been received. However, in relation to the previous application at the site, they advised that the nature of the carriageway in the vicinity of the Bay Horse public house includes a significant bend thereby reducing the ability of vehicles to negotiate it at anything other than a very low speed. Therefore, the proposed splays were considered to be acceptable, although this appeared to be on the basis that the set back from the highway was 2.4 rather than 2 metres. Whilst it is unlikely that the Highway Authority will raise an objection to this, any response received will be verbally reported at the Committee meeting.

7.4.2 The Highway Authority also previously advised that the highway network in the immediate vicinity of the application site is adequate to support an increased level of vehicle movements that the development is likely to generate. However, a number of off-site highway works were requested as a result of increased frequency of pedestrian and vehicular movements along Bay Horse Lane. This included:

- Construction of an appropriate kerb line along the frontage of the site to an intervening area of grass verge retained to reduce the inappropriate verge parking and as a consequence obstruction to driver forward visibility when egressing the site;
- Erection of bollards to reduce the potential for vehicular verge parking;
- Review of street lighting arrangements in the immediate vicinity of the site's point of access;
- Highway drainage works to be undertaken in conjunction with construction of the kerb line.
- Works to influencing vehicle speeds along Bay Horse Lane at its junction with the application site to include laying of a short length of centre line, transverse Stop and Give Way thermoplastic lines.

The number of dwellings has changed, so it may be that not all these works are required in relation to this development.

7.4.3 Overall it is considered that the proposal is unlikely to have a detrimental impact on highway safety, and this should hopefully be confirmed through the response from the Highway Authority. There is sufficient space within the site for adequate turning and parking to be provided, although some of the off-site works proposed by the Highway Authority are very urban in character.

7.5 Impact on Residential amenity

7.5.1 It is considered that two dwellings could be accommodated on this site without having a detrimental impact on the amenity of neighbouring properties. The dwelling to the north, associated with the industrial site, is separated by the substation and access/yard area. The dwelling to the south, Bay Horse Cottage has a gable facing the site, but there is a strong line of trees along the boundary and it will be separated by the retained part of the field.

7.5.2 The site is located in close proximity to the West Coast Mainline railway and an industrial site. As such, a noise assessment has been submitted with the application. The noise assessment does not appear to have picked up on the commercial noise, possibly due to the monitoring location being in a more central position of the site. The Environmental Health Officer has not commented on the current proposal but did provide a response to the previous application, which would still be relevant. It was advised that it is likely that there could be noticeable noise impacts to the plot nearest the car repair shop. However, an acoustic fence of good density along the boundary with the nearest property, with an improved glazing specification to that initially recommended within the report, would be adequate to protecting the amenity of residential properties. It also requires fences to be put in place between the properties. This would not be ideal in terms of the amenity and character of the area, but most of this would probably be screened from public views.

7.6 Ecological and Tree Implications

7.6.1 An ecological appraisal has been submitted with the application and includes a desk based assessment in addition to a site visit. It sets out that the site comprises poor semi-improved grassland with hedges, fences and trees on its boundary and the improved grassland has a very low species diversity and ecological value. In relation to amphibians, the report advises that the core development area has a low value, being open and exposed. The boundary hedgerows could be utilised as refuges and/or hibernacula but there are no breeding ponds in proximity to the site. Precautionary mitigation has been advised. There are no badger setts on the site and a lack of feeding signs or runs across the site would suggest that they do not occur within 30m of site boundaries. The report states that the porosity of the surrounding fields to the passage of badgers will not be affected, and precautionary mitigation is considered appropriate.

7.6.2 In relation to bats, the hedge line to the north-west and particularly the hedge with trees to the south-west offer the best foraging habitat. Whilst these areas are the most structurally diverse, they are not considered exceptional in the local area. A bat activity survey was undertaken which recorded a pass by a common pipistrelle across the site from the north-east and one from the south-west and seven passes by common pipistrelles as they foraged over the hedge with trees at the south-west boundary. The report sets out that bat species are highly unlikely to rely on the site for feeding but they do occur in the local area and the hedge with trees ought to be retained and roosting by bats does not occur on the site. The hedgerows to the north-west and south-west offer potential habitat for feeding and nesting birds. Part of one of these hedgerows is proposed to be removed to accommodate the access, though this will not result in a significant loss of hedgerow. The improved grassland has a low potential for use by nesting birds as the grassland is grazed and as such is usually short. Precautionary mitigation has been advised.

7.6.3 In relation to other species, the risk to brown hares is considered to be low. The significance of the site to invertebrates is likely to be limited in the local context although the habitat on site will support invertebrate species. Mitigation can be incorporated into the design and landscaping scheme with the careful selection of plant species and substrates for the garden areas. The majority of the site has a very low value to reptiles being devoid of significant ground cover. There are no areas of the core development area which would be particularly favourable to reptiles. Overall it is considered that the development will not have a significant impact on biodiversity providing that mitigation is put in place. This includes precautionary mitigation, roosting provision for crevice dwelling bats, nesting sites for swallows and landscaping to improve the overall habitat. This would also help to mitigate the loss of part of the hedgerow, but would be covered under a separate landscaping condition at the reserved matters stage.

7.6.4 In relation to trees, a total of 3 individual trees (T1-T3), a single group (G1) and 2 hedges (H1 & H2) have been identified, although some of these lie outside the site boundary. H1 is comprised of a diverse range of hedgerow species, including sycamore, hazel, hawthorn, ash, blackthorn and elder

and H2 is a Leyland cypress. G1 is a group including sycamore alder, hawthorn, ash, oak and blackthorn, T1 and T2 are sycamore and T3 is an ash. The majority are in good overall condition with long periods of useful remaining life potential. With the exception of T1 and H2 the trees identified have a moderately high amenity value. Of the trees and hedges identified, all can be retained except for between 6 and 9.5 metres of H1 which is required in order to facilitate the construction of the proposed new access. Visibility splays can be met without additional hedgerow removal works. Overall it is considered that the site could be developed without a significant impact on trees and hedgerows.

8.0 Planning Obligations

8.1 There are none to consider as part of this application.

9.0 Conclusions

9.1 Whilst the site would not be 'isolated' in the terms of the NPPF, residential development of the site would conflict with the spatial strategy of the Development Plan, being divorced from most services, with a heavy reliance on private car and therefore does not form an appropriate location for residential development. The proposal would also result in an undesirable form of ribbon development along a rural road to the detriment of the character and appearance of the area. This would also be exacerbated by the existing consents on this side of Bay Horse Road. Whilst the proposal would provide two houses and would support local services to some extent, the unsustainable location and the impacts on the character and appearance of the area are considered to significantly and demonstrably outweigh the benefits of the scheme, when assessed against the Development Plan and the NPPF taken as a whole, even when applying a tilted balance towards the delivery of housing.

Recommendation

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

1. The site is located within the open countryside, divorced from key services and facilities and as such it is considered to be unsustainable in terms of its location. There are considered to be no special circumstances, in this instance, to justify three new dwellings in this unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular section 5, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.
2. The development would result in an inappropriate form of ribbon development along this rural road within the open countryside and this would have a detrimental impact on the character and appearance of the area. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Sections 12 and 15, and Policies DM28 and DM35 of the Development Management Development Plan Document.

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

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

In accordance with the above legislation, the City Council can confirm that it takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None