

Agenda Item	A5
Application Number	18/01165/HYB
Proposal	Hybrid application comprising of a full planning application for the erection of 76 dwellings with associated new access, drainage infrastructure, foul pumping station and sub-station and outline planning consent for the erection of a medical practice (D1) with associated access
Application site	Land North Of Hornby Park School Melling Road Hornby Lancashire
Applicant	Story Homes
Agent	c/o Ms Siobhan Sweeney
Case Officer	Mrs Eleanor Fawcett
Departure	Yes
Summary of Recommendation	Refusal

1.0 Application Site and Setting

- 1.1 The site lies to the north of the village of Hornby and is currently used for cultivated agriculture. It comprises a single field of approximately 6.15hectares/15.48acres. The site is bound by a substantial hedgerow and Gressingham Road to the east, by an access track to a local farm to the north, by a hedgerow and further field to the west and further farmland and open play space associated with the school to the south. The junction of Gressingham Road and Melling Road (A683) is located close to the southeast corner of the site. Access into the site can currently be gained off the farm access track which runs from Fleet Lane along the northern boundary but not directly off Fleet Lane.
- 1.2 The site is within Flood Zone 1, although the northern part suffers from surface water flooding. It is broadly level, around 34-35 metres Above Ordnance Datum (AOD). The whole site is identified as a Mineral Safeguarding Area. The Castle Stede and Loyn Bridge Scheduled Monument is located approximately 400m north of the Site. Loyn Bridge is also Grade II* listed. Lawnds Farm is located approximately 270 metres to the northwest and is Grade II listed. The site is also located approximately 350 metres to the north of the Hornby Conservation Area. The River Lune Biological Heritage Site is located 80 metres to the northwest and there is also an area of Ancient Woodland approximately 230 metres to the east. The site is within the Open Countryside, as defined by the Local Plan, and is within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

2.0 Proposal

- 2.1 The proposal relates to a hybrid application comprising outline and detailed elements. The detailed element consists of the erection of 76 dwellings and its associated access. The outline element relates to an area of the site towards the southeast corner measuring 1340 square metres that would provide a medical practice with associated parking. Given the date of the application, the medical practice was deemed to be D1 Use Class however, with the amendments to the Use Classes Order

in 2021 this operation is now deemed to be Use Class E which is for Commercial, business and services.

2.2 The proposed 76 dwellings would be in the following mix:

Unit Size	Amount	% of total
1 bed	4	5%
2 bed	12	16%
3 bed	21	28%
4 bed	31	41%
5 bed	8	10%
Total	76	100%

Of the 76 dwellings, 30 are proposed to be affordable which represents 40% and would be provided as follows:

Unit Size	Amount	% of total
1 bed	4	13%
2 bed	12	40%
3 bed	14	47%
Total	30	100%

2.3 Access is proposed off Gressingham Road, just north of the centre of the site's frontage with the road. The dwellings are proposed to be set back from Gressingham Road, with a green buffer of approximately 15 metres from the road. They would be arranged around the principal access and several internal roads which change into shared drive cul-de-sacs. The medical practice would be immediately off the principal access to the south. It would have its own access road and parking and would be bound by the green buffer to the east and housing to the north, west and south.

2.4 Dwellings would be served by rear gardens and front drive parking, with some having internal parking. An area of open space is proposed in the centre of the development, with a larger area to the west of the site. This area is indicated to include attenuation SuDs basins for the drainage strategy.

3.0 Site History

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

Application Number	Proposal	Decision
17/01142/FUL	Erection of 80 dwellings with associated access, internal roads, car parking, landscaping, public open space and foul drainage pumping station	Withdrawn
17/00815/EIO	Scoping request for the erection of 80 residential units	Closed
17/00499/EIR	Screening request for the erection of 80 residential units	Closed

3.2 In addition to the above, the local planning authority has provided a number of statements setting out advice on proposals principally 18/00941/PRE3, which set out the following amongst other things:

- The scheme was major development in the AONB
- Only in exceptional circumstances and where in the public interest is such acceptable
- The lack of housing supply is not considered exceptional circumstances

- Identified need for a new surgery and a sequential test of possible sites to accommodate a new surgery within the catchment area (even if the development does not come forward)
- DM6 requires 50% affordable housing by unit in the FoB AONB
- Layout proposed was dense to the north and south and any scheme should seek active frontages to the road instead of gable ends.
- The green buffer adjacent to Fleet Lane should be high quality

4.0 Consultation Responses

- 4.1 The first round of consultation was undertaken in late 2018 (September/October) with neighbour letters and a site notice.
- 4.2 There has been further discussion with the applicant and various statutory consultees on the medical practice and highways to clarify the extent of the proposals on these matters.
- 4.3 The following responses have been received from statutory and internal consultees:

Consultee	Response
Hornby with Farleton Parish Council	<p>Support, subject to the provision of the roundabout, safe footpath link and 40% affordable housing. Also welcome a financial contribution towards upgrades to the village playground.</p> <p>Subsequent concerns were raised if the proposed roundabout was to be removed – consider it to be a fundamental part of the application and would want the opportunity to reconsider the application if this was removed.</p>
Gressingham Parish Council	<p>Object A number of comments have been received over the course of the application and the concerns are summarised below:</p> <ul style="list-style-type: none"> • Not on a site required to meet LPAs own assessment of housing need in local area • Outside existing envelope of Hornby and impacts Gressingham • Unacceptable impact on AONB – large scale urban development in sensitive location which would have long term adverse impacts on the landscape character and visual amenity • Design, scale, proportion, massing, materials and landscaping are not sympathetic nor complimentary to setting or settlement character • Impacts to local and wider views in area and intrusive to the River Lunes setting • Increases risk of ground flooding and surface water flooding on highways • Adverse impact on highways safety and concerns about assessment undertaken • Potential impact on Loyn Bridge, a Scheduled Ancient Monument and listed building, from additional traffic • Lack of independent consultant to assess the Environmental Statement • Majority of support is from within Hornby and Hornby business community specifically, whilst development would have cross parish impacts • The indicative plans for the surgery (October 2022) show a much larger building with greater parking which will compound the intrusion into the sensitive landscape. • The submitted Health Impact Assessment (October 2022) is fundamentally flawed in that it uses Lancaster district data as a whole rather than the local data for the Upper Lune Valley which has different health issues than other areas. • Contradictory comments from NHS commissioners and viability of a new medical centre

Planning Policy	Object - The application as submitted is too large. It is not required to meet the council's assessment of housing need in the local area. The inclusion of a doctor's surgery within the development does not pass the test of exceptional circumstances. The Council's landscape assessment does not support the major development of 76 dwellings plus a doctor's surgery at this location: such a scheme would cause harm to the landscape character and visual amenity of the AONB in a way that could not be mitigated.
Conservation Team	No comments received
Arboricultural Officer	No objection subject to conditions requiring landscaping scheme, development in accordance with Arboricultural Implications Assessment.
County Highways	Comments - Request that an updated junction assessment is provided in addition to off-site highway works, bus turning facility and a commitment to the wider infrastructure contribution.
Local Lead Flood Authority (LLFA)	Object – Inadequate FRA submitted. Flood risk within the site has not been adequately addressed, there is insufficient information with regards to the proposed drainage scheme, including in relation to maintenance.
Lancashire Archaeology	Comments - The impacts on the setting of Lawnds Farm appear to have been underestimated. As such this section of the ES needs to be revisited and further information supplied. Impacts on the buried archaeology of the site appear to be manageable by means of mitigation which can be required by condition, rather than being required prior to determination.
Public Right of Way Officer	Comments – Request contribution towards the Millennium Cycle Path improvements on £20,000
Greater Manchester Ecology Unit (GMEU)	No objection - Adequate ecological information has been submitted, no further information is required prior to determination. Ecological issues include bats, nesting birds and loss of low value ecological habitats. These can be resolved via condition and or informative.
Morecambe Bay Clinical Commissioning Group (CCG) (NHS)	Comments – Request a contribution of £21,016 towards the extension and reconfiguration of the existing premises at Caton Health Centre based on approximately 183 new patient registrations from an average household size of 2.4.
Historic England	No comments to make
Forestry Commission	Comments – referred to standing advice in relation to ancient woodland and veteran trees.
County Ramblers	Comments - Suggest footway is provided along Fleet Street boundary to address highway safety for pedestrian
Planning Casework	No comments to make
Lancashire Constabulary	Comments – should be constructed to secured by design standards
Natural England	Object - Will have a significant impact on the purposes of designation of the Forest of Bowland AONB. Concerns about the appropriateness of the development site and insufficient information to demonstrate impacts on the Forest of Bowland AONB
County Schools Planning Team Schools	No objection subject to the following: a contribution for 12 primary school places of £213,924

United Utilities	No objection – The development should be carried out in accordance with principles set out in the submitted Flood Risk Assessment. Also request condition requiring details of the maintenance and management of the drainage system.
Cadent Gas	Advice - Identified operational gas apparatus within the application site boundary. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus
AONB Planning Officer	Object. Do not accept the principle of major development on this site as it has limited capacity to accommodate the proposed change without significantly affecting the landscape character of the AONB (the LVIA identified that overall effects would be major/moderate) In addition, the proposed landscaping (mainly around the perimeter of the site) will not offer sufficient mitigation from these major/moderate landscape and visual effects of the development.

4.4 The LPA has received **49 responses in objection from members of the public** raising the following matters:

- No exceptional circumstances for development in the AONB
- Development is not in public interest
- Scale of development would represent extension of village/undermine village character
- Visual impact to local and wider landscape
- Insufficient local services to support the development
- Local highways network does not have capacity and subsequent additional trips would undermine highway safety in the area
- Trips would be through Gressingham as this represents the most direct route to the M6
- Local highways are not controlled parking areas resulting in parking issues
- Proposed access on Fleet Lane is unsafe
- Additional traffic would impact Loyn Bridge which is heritage asset and not fit for purpose with current traffic levels
- Unsuitable architectural design and housing typologies for the rural area
- Doctors surgery would better serve Hornby in a central location
- Housing mix and affordable housing would not reflect local needs
- Construction impacts to amenity and highway safety
- Proposal represents unsustainable ribbon development
- Undermine the drainage and foul water infrastructure in the area
- Given proximity of site to Lune and existing greenfield extent would result in ecology impact
- The proposed landscaping does not provide the necessary mitigation against the impacts and is of low quality

4.5 The LPA has received **20 responses in support from members of the public** and responses in support from the local and city and county councillors (Williamson & Scothern), and the Lune Valley Community Society and the Lunesdale Surgery raising the following matters:

- Delivery of new houses would support local services and business in the area
- Support of local business would enable more employment opportunities to arise
- Delivery of new houses would enable people to move to the area
- Delivery of new houses would result in a young families moving to the area rebalancing the local population
- Current medical facility is at capacity and outdated
- The highway can be improved, and existing issues resolved

4.6 Further comments have been provided setting out the following:

- Boundary treatments should be secured against pets given adjacent field is for grazing animals
- Highlighting highway issues along Fleet Lane between Gressingham and Hornby
- The adjacent farms operation causes significant noise which should be considered given the new houses proposed

5.0 Analysis

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

- Principal of the development including major development within the AONB
- Landscape impact, layout and design
- Traffic impacts, access, parking and sustainable travel
- Flood risk and drainage
- Open Space
- Residential amenity
- Biodiversity and trees
- Heritage Assets
- Affordable housing, housing standards and mix
- Education and health
- Mineral Safeguarding
- Sustainable Design and Renewable Energy

5.2 **Principal of Development including major development within the AONB** NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), and 60-61 and 73-79 (Delivering a Sufficient Supply of Homes), 93 (Provision of facilities and services); 176 – 177 (Development in AONBs); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes); EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside; Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs), DM4 (Residential Development Outside Main Urban Areas) and DM6 (Housing Provision in the Forest of Bowland AONB), DM57 (Health and Wellbeing)

5.2.1 The site is located to the north of the built-up area of Hornby, immediately adjacent to the playing fields associated with the school to the south of the site. Hornby is identified within policy SP2 of the Strategic Policies and Land Allocations (SPLA) DPD as a Sustainable Rural Settlement where growth will be focussed outside the main urban areas. However, for those settlements within an Area of Outstanding Natural Beauty (AONB), which includes Hornby, it sets out that this will be subject to the constraints of the protected landscapes, where a landscape-capacity approach will be taken. This is reiterated in Policy SP3, which goes on to say that great weight will be given to the principle of conserving the landscape and natural beauty, wildlife and cultural heritage of the AONBs.

5.2.2 The application proposes the erection of 76 dwellings and the erection of a building to house a medical practice, with the latter element in outline and identified on the plan by a separate red edge. Paragraph 176 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Paragraph 177 goes on to say that, within AONBs, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration should include the assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

5.2.3 The above is reiterated in Policy DM6 of the Development Management DPD. The NPPF and Policy DM6 set out that, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. Given the scale of the development, the size of the site and the nature and location of the land which has an open character and is divorced from the built up area of the settlement, it is considered that the proposal constitutes major development. Therefore, exceptional circumstances must exist for planning permission to be granted. The submitted planning statement sets out that the exceptional circumstances are demonstrated by housing need and supply, the need for a new medical practice, and the vibrancy

and vitality Hornby and its wider rural hinterland. It goes on to say that, collectively these issues provide for an overwhelming public interest case to support the approval of the planning application.

- 5.2.4 In terms of the housing need, this specifically refers to the lack of a 5 year housing land supply within the District. Policy SP6 sets out a requirement of 485 dwellings per annum from 2019/20 to 2023/24 and 685 dwellings per annum from 2024/25 to 2028/29. The Policy also sets out an expectation of 557 dwellings across the plan period for additional supply of housing across the District, on non-allocated sites, without permission, including Neighbourhood Plan delivery expectations. Policy SP3 identifies a number of villages as sustainable rural settlements but does not set any parameters as to how much each of the settlements should deliver. However, it is clear from the policies that the consideration of development in the AONBs will be subject to the constraints of the protected landscape. It is not intended that housing would be distributed equally between the sustainable settlements or that those settlements in the AONB would be expected to accommodate the District's housing need where the landscape does not have capacity to do so.
- 5.2.5 In further support of the housing need in this location, the submitted statement sets out that the Strategic Housing Market Assessment (SHMA) illustrates that there are 140 households in need of housing within the sub-area of Kellet and the Upper Lune Valley. It goes on to say that Hornby is the main settlement for a large geographical area within this sub-area and is one of only a few sustainable settlements. However, this does not represent the objectively assessed need for market and affordable housing overall to be provided in the sub-area. Instead, it is part of a wider calculation that is used to ascertain the imbalance between the provision of supply and demand for affordable housing. In addition, this sub-area is a large area that includes settlements within and outside the AONB, including some other sustainable settlements. The data within the SHMA cannot therefore be used to demonstrate a particular housing need within Hornby. The submission does not include any specific evidence, to demonstrate an open or affordable need for the amount of housing proposed in this location.
- 5.2.6 The submission also sets out that there is a need for further development to support and maintain the vibrancy and diversity of services in Hornby and that the village is experiencing problems in maintaining its level of services. It sets out that this may be the result of a lack of young families in the village. It is acknowledged that housing development in this location could help to support existing services, however this is difficult to quantify. Given the limited employment in Hornby, there is the potential that people would link journeys to shops, for example, with travelling to places of work. However, approving the development could have a positive impact on the local economy, in terms of increased use of services, if only limited. There would also be a positive impact on the economy through the construction of the dwellings, however this is also difficult to quantify and may be limited within this part of the AONB. The medical practice would also provide employment in this location, which would be a benefit to the local economy, although it is the housing development that makes this a major development in this area and requires the exceptional circumstances to be demonstrated.
- 5.2.7 In support of the medical practice, the planning statement sets out that this will address a local shortfall in health care provision and quality by providing the opportunity for a new larger dedicated facility within the village and is supported by the Partners of Lunesdale Surgery (in Kirkby Lonsdale) who operate the current practice at West View Surgery in Hornby. The submission sets out that the surgery is of a limited size, meaning that patients cannot be seen at the same time and the lack of space affects the efficiency of operations, with little space for meetings, training and administration. It has been advised that the current building is not fit for purpose and does not provide any opportunities for expansion and that there is increased demand due to additional houses constructed, in addition to committed schemes. It is also understood that the hours and days of operation are very limited. The Partners of the Lunesdale Medical Practice have advised that, whilst they have explored the opportunity to secure land for a new surgery, they have struggled to identify a suitable site which is available in the village. In addition, the costs associated with purchasing a suitable site would make this option unviable. They have agreed a position to look at accepting transfer of the land with outline planning permission, should the application be approved, and should the Lunesdale Medical Practice be in a position to do so at that time.
- 5.2.8 The submission does not include any objectively assessed need in relation to the medical practice. A response from the NHS Clinical Commissioning Group (CCG) in January 2021 set out that the proposal would generate approximately 183 new patient registrations based on average household

size of 2.4 and the development falls within the catchment area of Caton Health Centre. This is less than 4.6 miles from the development, and would therefore be the practice where the majority of new residents would register. The response goes on to say that, from a CCG perspective, the growth generated from the development would not trigger consideration of the commissioning of a new general practice. It would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options.

- 5.2.9 The main reason for the delay in the determination of the application was to allow the applicant the opportunity to provide more information to support the proposal, in particular relation to the details of and the need for the medical practice. In June 2022 the CCG provided further correspondence regarding the proposal and advised that, when the initial response was sent, they were not aware of the discussion between the housing developer and the surgery. It goes on to say that they are working closely with all partners to establish a final design solution at which point they will have established the amount of land required to facilitate the scheme and a surgery building that meets the needs of all. However, no specific information with regards to the need for the surgery have been provided in this response.
- 5.2.10 In October 2022, the applicant submitted a Health Statement, in addition to indicative drawings for the medical practice to show the advanced level and commitment in the project. The building is larger and the parking increased from the details originally submitted, although this element is still in outline and within the red edge shown for this part of the application. The Health Statement does not really add much in terms of the need or how and when the surgery would be delivered. The applicant has advised that they understand the delivery of the surgery would need to be linked to trigger points in the overall development and the detailed wording for this could be negotiated and secured by planning condition or through a s106 obligation. However, this is critical to understanding the provision of the medical practice as justification for the housing development. There is the potential that the housing could be developed and the surgery is not constructed, particularly as the housing aspect of the scheme is a full detailed application and the medical practice would still require the submission and approval of a reserved matters application.
- 5.2.11 A number of queries have been asked of the developer and the CCG to better understand how the two aspects of the scheme are linked. Unfortunately, this information is not in writing but is summarised as follows. It was confirmed that the current surgery in Hornby was not compliant with current standards, being converted from a dwelling, and that a purpose built surgery could also provide additional services to support the GP. The operators of the existing surgery were unable to find land and this opportunity presented itself. It was also set out by the representative of the CCG that the surgery would accommodate the existing population in addition to that predicted over 20 years, which would include the housing proposed at the site. It was advised that it would need to be of the size put forward, even without the proposed housing development at this site. Although, as set out above, this would represent quite a large increase in population, and no assessment has been provided to support this statement or the need in general.
- 5.2.12 In terms of funding, it was advised that they would use funding from other housing sites, if money came forward, funding from the existing GP practice and also from an improvement grant from the NHS. If they were unable to fund through the NHS they could go out to the market and bring in a private landlord. In terms of the trigger for the delivery of the surgery, the developer acknowledged that they may accept a tight trigger to ensure that the surgery was either commenced first or it was sufficiently progressed, such as a contractor appointed, before the housing scheme was implemented. It was asked if the surgery element could be implemented within the standard timescale for a permission and it was set out that 3 years was realistic. The CCG advised that they would want the surgery delivered as soon as possible so that it was available to receive patients. A trigger could be put in place to ensure that it was operational prior to a certain number of dwellings being occupied.
- 5.2.13 Following the discussions, the funding, timescales and potential triggers for the delivery of the medical practice are better understood. However, there are still questions over the need for the medical practice and its proposed size, in addition to the requirement for the number of dwellings proposed to allow for the delivery of the practice. Whilst there might be a case to be made for the medical practice contributing to the special circumstances for the major housing development in the AONB, there is currently not enough evidence to support this, as discussed above. The surgery is

also a relative small element of the whole scheme and there are clearly questions regarding the need for the level of housing development in this location.

- 5.2.14 The NPPF also requires the consideration of the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way. The Consideration of Alternatives section of the Environmental Statement, only appears to refer to an alternative of an earlier scheme (17/01142/FUL) for a wholly housing development and also some consideration of the layout. The Planning Statement includes an assessment of whether the development could be delivered outside the designated area or the need met in some other way. However, most of this information relates to the search for alternative medical facilities, rather than the search for alternative housing sites. The availability of suitable sites for housing development in or close to the AONB in this part of the district is limited because of the constraints associated with the designated landscape. However, as set out above, there is not an objectively assessed housing need for this village or the AONB as a whole and the Local Plan acknowledges that housing will be limited, compared to other sustainable settlements, due to the sensitivity of the landscape.
- 5.2.15 In terms of the consideration of alternatives, the submission does not look at different sizes of development. If it is accepted that there is a need for the medical practice in Hornby and the only way this can be delivered is alongside a housing development, it needs to be demonstrated that this is the minimum amount of housing that would need to be provided to achieve this. This may allow more weight to be given to the provision of medical practice in the planning balance, but it would not necessarily override all other considerations. It is acknowledged that, if development is required to help support services in Hornby, this would need to be in relatively close proximity, although development in smaller settlements close can also achieve this. However, there is not an identified need to be met by the development, so it is considered that the submission does not provide an adequate assessment of alternatives for the residential development, which is the main element of the proposal.
- 5.2.16 Specific considerations in relation to impacts on the environment and the landscape are considered in detail in the sections below. However, in summary, it is considered that the development would have a detrimental impact on the character and appearance of the designated landscape. The site is divorced from the built up area of Hornby, separated by the playing field at the adjacent school, and predominantly comprises a residential estate, more typical to a suburban area, which fails to respond positively to the characteristics and local distinctiveness of the area. The site also has an open character, typical of the landscape character type and is particularly sensitive to change.
- 5.2.17 For the reasons set out above, it is considered that exceptional circumstances have not been demonstrated for this major development within the AONB and it has not been demonstrated that the development is in the public interest. The proposal therefore fails to comply with the requirements of the NPPF or the Development Plan in relation to major development within an AONB.
- 5.3 **Landscape Impact, Layout and Design** NPPF paragraphs: 126-134 (Achieving Well-Designed Places), 174, 176 and 177 (AONBs, Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), EN2 (Areas of Outstanding Natural Beauty) and EN3 (The Open Countryside); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM46 (Development and Landscape Impact)
- 5.3.1 The site is located to the north of the built up area of Hornby and comprises an area of low lying and relatively level agricultural land. There are hedgerows along the east, west and most of the southern boundary. The northern boundary is marked by a track which extends from Gressingham Road to a large farm complex to the west of the site. Beyond the northern and western boundaries are similar fields and the River Lune lies to the west and north west and is approximately 130 metres from the site at its closest point. Gressingham Road abuts the eastern boundary of the site and beyond this is a roughly triangular shaped field separating this road from Melling Road. The southern boundary abuts the grounds of the Lancaster campus of the One School Global UK which also includes the Lune Valley swimming pool. The building group is located approximately 90 metres to the south of the boundary and is separated by the associated playing fields. Here is existing residential development to the east of Melling Road, which extends just beyond the southern boundary of the site. The land immediately to the north of these existing house has planning permission for the erection of 23 dwellings, and it is understood that this has been implemented.

- 5.3.2 The application proposes the erection of 76 dwellings served by a new access from Gressingham Road and would be arranged around the main access roads and a number of cul-de-sacs extending from this. A relatively small area of open space is proposed in the centre of the site, with a much larger area to the west, being wider at the southwest corner due to the shape of the site. The area proposed for the built development would measure approximately 230 metres (south to north) by 155 metres (east to west). The application proposes to retain the hedge along the frontage with Gressingham Road, with the exception of the proposed access works, and set the dwellings back from the highway by around 15 metres. The scheme also includes an outline proposal for the erection of a medical centre to the south of the proposed access and close to the eastern boundary. This would share the same main access and have its own access road off this. Updated indicative plans have been provided, following discussions between the developer and the NHS Clinical Commissioning Group, for the scale, design and layout of the medical centre, although these would be considered at reserved matters stage. These show a mostly two storey building and an associate car park comprising 26 spaces.
- 5.3.3 The site is located within the landscape character type J: Valley Floodplain, sub-type J1: Lune, as identified in the Forest of Bowland AONB Landscape Character Assessment (2009). This area is characterised by: the flat, wide floodplain of the River Lune, which is surrounded by rolling drumlins and hills; a patchwork of medium to large size, regular fields of lush green pasture (predominantly improved agricultural land), bounded by low clipped, often gappy, hedgerows with hedgerow trees; river terraces and bluffs along the edge of the floodplain which are sculptural elements that often support stone farm buildings and the remains of motte-and-bailey castles; stone bridges which are a feature and mark historic (medieval) crossing points of the river; evidence of the industrial past and present; large, traditional field barns; and panoramic open views northwards towards the peaks of the Yorkshire Dales and southwards to the dramatic rising Moorland Hills and Plateaux which contribute to a strongly recognisable sense of place.
- 5.3.4 The Landscape Character Assessment sets out that this character type has a high overall visual sensitivity due to the generally strong intervisibility with surrounding higher Landscape Character Types and the strong sense of openness within views along the valleys. A diverse patchwork of linear freshwater and wetland habitats remnant areas of neutral grassland, wet meadows, domed mosses, areas of standing water and marshland contribute to overall high ecological and landscape character sensitivity. In addition, there is a strong cultural pattern of hedgerows and stone walls which delineate field boundaries and contribute to overall high cultural sensitivity. This landscape character type is therefore considered to have limited capacity to accommodate change without compromising key characteristics.
- 5.3.5 A landscape and visual impact assessment has been submitted as part of the application. This acknowledges that the development would have a significant effect on the landscape character of part of the AONB landscape and would also have significant visual effects. The report concludes that the effects on landscape character and visual amenity are an inevitable consequence of development of this type and extent, its settlement edge location, undeveloped nature and proximity of sensitive visual receptors. It also sets out that the built form would be clearly visible from the immediate locality, but with the maturity of proposed planting, the development would not be readily discernible from more distant locations. It also sets out that the impacts should be balanced against other benefits such as measures taken to retain and enhance landscape features, provide new and character enhancing landscape features and measures taken to minimise the visual intrusion of the development.
- 5.3.6 Paragraph 176 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONBs), which have the highest status of protection in relation to these issues. It goes on to say that, the scale and extent of development within these designated areas should be limited. This is reiterated in Policy DM46 of the Development Management DPD. The policy also sets out that development proposals should, through their siting, scale, massing, materials, landscaping, vernacular style and design seek to contribute positively to the conservation and enhancement of the protected landscape and its setting. It also states that proposals that would have a significant adverse effect upon the character of the landscape or visual amenity of protected landscapes will not be permitted.
- 5.3.7 The proposal would result in a large residential development to the north of the existing built up area, extending into the low lying and open undeveloped agricultural land. The development would appear

particularly detached from the settlement due to the existing playing field at the school to the south. It is acknowledged that existing development on the opposite side of Melling Road extends to the north of the southern boundary of the site, and this will be further extended by a previously approved development. However, this more closely relates to the existing built development in Hornby and is well contained within the landscape by the highway and the rising land to the east. As set out above, the landscape and visual impact assessment (LVIA) acknowledges that there will be significant landscape and visual impacts. Whilst these impacts are likely to decrease with proximity from the site, the landscape has a high sensitivity and low capacity for change, as discussed above.

- 5.3.8 The conclusion to the LVIA sets out that the scheme will provide benefits to the landscape. The retention of landscape features can be given limited weight as it does not appear that these are currently under threat, and the proposal will require the removal of a section of hedgerow to create the access, which will cause a degree of harm by itself. The enhancement of landscape features has limited benefit, however measures taken to reduce visual intrusion cannot be considered as a benefit of the proposal as these are proposed to mitigate the visual impacts and it also is not clear how successful this would be. In addition, they would also alter the current character of the site which has a low lying and open nature.
- 5.3.9 Due to the overall position, scale, layout and design of the scheme, it is considered that it will result in a more suburban form of development and fails to relate well to the rural settlement. In particular, the site has no frontage to the existing highway and the dwellings are arranged around a series of cul-de-sacs and predominantly comprise closely spaced detached dwellings, which fails to relate positively to the existing form and layout of the settlement. Hornby is relatively linear in form, focussed around the main road through the settlement. Whilst there has been some development behind the more traditional and historic development fronting onto Main Street, and extending to the north of this, it is very limited and on a much smaller scale than the current proposal.
- 5.3.10 In addition to concerns about the closely spaced detached dwellings, the individual house types also contain features that fail to respond positively to the local distinctiveness of the area. Whilst it is acknowledged that there may be dwellings with similar features within the village, the current proposal does relate to a significant increase of dwellings. In addition, the existing presence of a particular feature does not necessarily justify a design of a new dwelling. Of particular concern are: the use of integral garages, particularly given the number of units with these rather than a detached or single storey garage which is more typical to the rural area; the form of dwellings where they relate poorly to more a traditional form, in particular, the Washington, the Salisbury and the Hastings, which is very narrow for a detached dwelling; the presence and design of the dormers proposed; and the very steep pitch of some of the roofs. The development would also be mainly finished in render, with limited stone proposed to front elevations, which relates poorly to the overall settlement character. There are also concerns about the design of the medical centre, although it is acknowledged that approval of this aspect is not currently sought.
- 5.3.11 Policy DM29 sets out that development should make a positive contribution to the surrounding landscape and townscape and contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale. Paragraph 126 of the NPPF also emphasises that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Paragraph 130 goes on to say that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history including the surrounding built environment and landscape setting and establish and maintain a strong sense of place.
- 5.3.12 For the reasons set out above it is considered that the development would appear detached from the existing settlement and as a suburban form of development that fails to relate positively to the existing character and appearance of the settlement. It would have a detrimental impact on the character and appearance of the designated landscape and would therefore be contrary to the aims and objectives of local and national policy discussed above.
- 5.4 **Traffic impacts, access, parking and sustainable travel** NPPF paragraphs: 104-106 and 110-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policy: SP10 (Improving Transport Connectivity); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding),

- 5.4.1 The application proposes the creation of a new access into the land to serve the development off Gressingham Road (also known as Fleet Lane), approximately 130 metres to the northwest of the junction with Melling Road. The development would be served by a number of cul-de-sacs, including elements of shared private driveways. The scheme also proposes the creation of a roundabout at the junction of Gressingham Road and Melling Road and a footway along the front of the site, behind the hedgerow, linking to a new footway on Melling Road. County Highways provided formal comments in October 2018. They subsequently provided an additional response on specific points in July 2019. Further discussions were undertaken in March 2020 in particular relation to off-site highway works and a draft plan was provided. However, no changes have been made to the scheme, in relation to highway works, following the submission. Further comments have been recently provided to provide clarification in relation to their position.
- 5.4.2 Gressingham Road, at the point of the proposed access, has a speed limit of 60mph, which reduces to 30mph on the approach to the junction with Melling Road. County Highways originally advised that visibility splays at the junction should measure 2.4 by 215 metres and be protected by the construction of a 2 metre wide length of footway along the frontage. The most recent comments set out that, based on the speed survey undertaken in 2017, visibility splays of 2.4 by 119 metres to the north and 2.4 by 123 metres to the south. The response also sets out that a review of the location of the 30mph limit would be undertaken as part of a section 278 Agreement with the Highway Authority following engagement with stakeholders. The access drawing indicates visibility splays of 2.4 metres by 70 metres. It is not therefore clear if the requested visibility splays can be achieved or whether the extension of these would have other implications, such as to the hedgerows. County Highways have confirmed that the proposed footway within the site, behind the hedgerow, leading to the junction with Gressingham Road is acceptable.
- 5.4.3 The response from County Highways sets out that the site access arrangement is proposed as a 5.5 metre wide carriageway with 2 metre footways at both sides and a 10 metre radii. However, when measured from the site plans, the main access appears to be slightly less than this, at around 5.2 metres, although there does appear to be scope to widen it within the layout. The roads leading from the main access road are narrower, at around 4.6 metres and there are elements at the end of the cul-de-sacs which would be served by private driveways, although there appears to be sufficient turning. County Highways have set out that there is no swept path analysis submitted within the assessment and they have requested this for a 11.4 metre refuse vehicle for the site access and internal layout.
- 5.4.4 In the most recent response, County Highways have advised that the drawing '*Proposed site access plan reference 0827-F04-Rev A*' details mitigation measures at the Melling Road / Gressingham Road junction, which are supported in principle by the Highway Authority. These measures include the realignment of the junction to create a single point of access on Melling Road rather than the current arrangement, which will increase the visibility splays and provide a right turn ghost lane for southbound traffic on Melling Road. It also includes a new pedestrian central refuge to the south side of the junction with connecting footways from the site to the bus stops. However, this plan has not been submitted formally to the Local Planning Authority, and still includes the proposed roundabout. The response confirms that a new mini roundabout at the junction is not supported by the Highway Authority as the appropriate standards cannot be met regarding visibility splays and flow rates, and it is anticipated that collisions would be introduced onto the highway network as a result of the proposal.
- 5.4.5 In addition, a scheme of street lighting has been requested on Melling Road and Gressingham Road in addition to upgrades to the nearest bus stops on Melling Road to quality bus stop standard. Linking footways have also been requested in addition to enhancements to the pedestrian route to include dropped kerb crossing points with tactile paving to ensure a safe and suitable pedestrian environment to serve the development and to encourage sustainable modes of transport. Concerns had been previously raised about the provision of footways and whether they would be required to go across third party land or impact on a hedgerow. However, the Highway Authority have advised that they consider that these can be provided within the highway and land under the applicant's control.

- 5.4.6 Since the discussions were undertaken regarding the proposed changes to the junction from the proposed roundabout, public busses have started using the junction of Gressingham Road and Melling Road to turn, which is possible due to the multi lane arrangement. Previously, the services were using private land on the school premises to turn, however this agreement has ceased due to access difficulties. County Highways have advised that the junction realignment scheme would result in buses being unable to turn at the junction and will therefore severely risk the future of the services. To mitigate this, they have advised that a facility would need to be provided within the site to allow a bus to pull off Gressingham Road and turn within the site and exit through the site access, southbound toward Melling Road back on its current route. This facility would significantly support the future sustainability of the services.
- 5.4.7 Further clarification has been sought regarding how a bus turning facility would be incorporated into the layout. It is likely that this would require an additional access to the south, allowing busses to enter via a short-angled road and exit via the main site access. This is quite a significant change, which is not included within the existing submission, and has implications to the boundary hedgerow. It does not form part of the current application and therefore improvements to the junction that are required to make the development acceptable in highway terms would have a direct impact on the current operation arrangements of the bus service. Therefore, the development could have a detrimental impact the operation and availability of bus services in this location which would reduce the sustainable transport modes available for the existing and proposed dwellings and would therefore impact on the sustainability of the settlement and increase the reliance on private vehicles.
- 5.4.8 In terms of the traffic impact, County Highways have advised that the trip rates utilised within the Transport Assessment (TA) are not disputed, although it should be noted that this assessment was undertaken in 2018, with counts in 2017, and that the medical centre floor area has been increased. Vehicular traffic generated by the medical centre is based upon a floor area of 190sqm which is now incorrect and a new floor area of 365sqm has been indicated on the most recent indicative drawings. Broadly speaking, County Highways have advised that the traffic generation can be doubled which equates to 22 two-way trips during the weekday AM peak hour and 16 two-way trips in the PM peak hour. The total two-way flows for the new dwellings and medical centre are 60 in the AM peak and 55 in the PM peak. The junction of Melling Road and Gressingham Road has been modelled for the proposed mini-roundabout. Traffic data was collected in April 2017 and the 'with development' flows have had growth added by 5 years to 2022. It is noted that this is out of date and, for completeness, County Highways have requested that a model is submitted for a priority junction arrangement using the higher development flows and growth of the background flows to 2027.
- 5.4.9 In relation to collision data, when the assessment was prepared in 2018, there had been one collision in the previous 5 years resulting in a serious injury of a motorcyclist in June 2014. A review of the previous 5 years (2017-2022) collision history records one collision resulting in a serious injury in September 2022. County Highways have advised that they do not foresee this as a worsening of the collision history since the original assessment however we are seeking mitigation measures to improve this junction for highway users.
- 5.4.10 In terms of parking, the Medical Centre would require 1 space per 2 staff plus four per consulting room. Based on the indicative plan, as this element is in outline, this equates to 22 spaces for the 4 consulting rooms and 12 staff or 26 including the treatment room. There are 26 spaces shown on the indicative plans including 3 disabled parking bays, 3 motorcycle bays and 12 cycle lockers which would be considered acceptable and in line with parking standards set out in the DM DPD. The site plans shows that sufficient parking can be achieved for the dwellings. There is some concerns that some of the garages are too small to count as a parking space, being below 3 metres by 3 metres, although it is not considered that this would lead to an unacceptable impact due to insufficient parking. The dwellings without garages will require an external secure and covered store to provide sufficient bicycle storage facilities.
- 5.4.11 County Highways have also advised that all development will have an influence on highway infrastructure across the district and will therefore be required to contribute to the combination of measures in Lancaster, following an equitable approach that considers all development in the district. The keys measures being developed include:

- M6 Junction 33 reconfiguration with link road (Central 1 option being assessed further);

- Infrastructure in and around the Bailrigg Garden Village area and connecting corridors supporting access both north and south;
- Lancaster wide sustainable transport improvements, including;
 - Cycle superhighway
 - High quality public transport route
 - Park and Ride
- Lancaster City Centre Movement and Public Realm Strategy;
- Traffic management measures to the north and south of the Lune; and
- Changes to other key corridors in the district.

5.4.12 It has been advised that the funding for the Junction 33 link road scheme has been identified, however, the remaining elements of the infrastructure required will need to be delivered through contributions secured from development. County Highways have advised that a wider strategy is being developed by the highway authority that incorporates the above, providing levels of contribution from all developments in Lancaster in an equitable and evidence based manner to support Lancaster's Local Plan. A separate response has been provided confirming that the required contribution is £27,066. They are some queries as to whether all the projects directly relate to the proposed development. In addition, the earlier responses from the Highway Authority identified potential contributions towards improving the Millennium cycle path, including investigating its extension from Bull Beck to Hornby, improving bus service frequencies to Hornby and improved covered and secure cycle parking at Lancaster train station, although the updated response does not include these. It would appear that these may more closely relate to the impacts of the development proposed, although it is not clear if these are still feasible. It does need to be ensured that any contribution request complies with the CIL tests. However, as the proposal has a clear conflict with the development plan and national policy, in particular relation to the location of this major development within the AONB, in addition to other harm caused by the proposal, it is not necessary to delay the determination of the application to allow for the figure to be agreed and this would be secured by a Section 106 Agreement in the event the permission was resolved to be granted.

5.4.13 Policy DM60 of the Development Management DPD requires development proposals to be accessed safely during construction and operational phases of development and ensure that they minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. It also requires development proposals to not adversely impact the local highway network and where highway capacity is insufficient to accommodate the impacts of the proposal, to secure appropriate mitigation. This aligns with paragraphs 110 of the NPPF. In accordance with paragraph 111 of the NPPF, development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.4.14 As set out above, a number of concerns have been raised regarding the current submission in relation to the impact on highway safety. In particular, the width of the access does not appear to comply with the appropriate standards, and the Highway Authority have requested a swept path analysis to confirm that turning can be provided for larger vehicles within the site. The visibility splays are less than what is considered to be acceptable for the speed of the road and it is not clear if the requested splays can be achieved. The scheme currently includes a mini roundabout within the highway, and it has been confirmed by the highway authority that this is unacceptable and would likely result in increased collisions. The layout also fails to incorporate turning facilities for the bus service which would be required to mitigate the loss of the current facilities due to the junction improvement measures required to make the development acceptable in terms of highway safety. Whilst it is likely that a safe and suitable access could be achieved, and impacts on the local highway network be made acceptable, the current submission fails to demonstrate this and therefore the proposal would be contrary to the aims and objectives of the Development Plan, in particular policy DM60, in addition to section 9 of the NPPF.

5.5 **Flood Risk and Drainage NPPF paragraphs: 152, 154, 159-167 and 169 (Flood Risk and Drainage); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water)**

- 5.5.1 The site is located within flood zone 1, however there is an area at the north of the site which is identified as being at risk from surface water flooding. A flood risk assessment (FRA), which includes details of surface water drainage, was provided with the original submission. The Lead Local Flood Authority were consulted at that time, however a response was not received until 8 October 2021. However, this does mean that the comments are relatively recent, although it is acknowledged that guidance has recently changed.
- 5.5.2 Paragraph 167 of the NPPF requires applicants to demonstrate, through a site-specific flood risk assessment, that:
- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
 - any residual risk can be safely managed; and
 - safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 5.5.3 Paragraph 169 goes on to state that: major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate and the systems should:
- take account of advice from the lead local flood authority;
 - have appropriate proposed minimum operational standards;
 - have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - where possible, provide multifunctional benefits.
- 5.5.4 The LLFA have raised an objection to the application. They have advised that the submitted FRA does not comply with the requirements set out in the Planning Practice Guidance, and therefore the requirements of the NPPF cannot be satisfied. The FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. They have raised a number of specific concerns in relation to the assessment which are discussed below.
- 5.5.5 The FRA states that a culvert is present in the southeast corner of the site, however the flood risk from this to the proposed development has not been assessed. The LLFA have advised that more information regarding this culvert is required to ensure it does not pose a flood risk to or from the site, that changes to land drainage associated with the development will not increase any risks posed by the culvert, and that access for future maintenance can be maintained. This includes a plan showing the route of the culvert, dimensions of the culvert, flow paths to/from the culvert and the current capacity of the culvert. In addition, an area at high to low risk of surface water flooding exists along the northern boundary of the site. The submitted assessment fails to address this risk and does not consider how it will be mitigated within the site for the lifetime of the proposed development. It should also be ensured that the most vulnerable development is located within the areas at lowest risk of flooding within the site and it is not clear if this is the case given that there are areas, particularly at the north, at risk from surface water flooding. The LLFA have also advised that the FRA fails to properly consider the effect of extreme exceedance events on people and property. Specifically, details regarding the finished floor levels of the proposed development are required to ensure residual risks from exceedance events are mitigated.
- 5.5.6 The LLFA have also raised concerns regarding the adequacy of the information in relation to surface water drainage and have advised that this does not allow for them to be able to fully ascertain whether this complies with the relevant guidance. The proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. In particular, they have advised that the submission should include a plan showing the locations of the proposed private soakaways and any other infiltration features, with further infiltration testing in accordance with BRE365 at the location of each individual soakaway, with justification on how the infiltration rate for each soakaway has been selected. Details of on-site storage estimations is also required, with 50% climate change (updated following recent changes to guidance) and 10% urban creep allowances for the 1 in 100-year, 6-hour rainfall event, with flow calculations for the proposed drainage network under a range of storm conditions, including exceedance events. Alternatively, a drainage strategy

should be provided should infiltration not be possible for the whole site including a drainage layout, on site storage estimations and flow calculations with 50% climate change and 10% urban creep allowances.

- 5.5.7 The LLFA have also advised that clarification is needed in relation to how surface water will be managed within non drained areas, considering whether there is potential for non-drained areas to contribute to the drainage network. Attenuation volumes should also be re-calculated as appropriate based on the area of the site contributing to the drainage network and a plan should be submitted to show exceedance flow routes. The LLFA have also objected on the grounds that adequate information relating to the maintenance of the proposed drainage system for the lifetime of the development has not been provided. In particular, they have noted that Lancashire County Council Highways will not adopt the proposed infiltration basins, as stated in their consultation response dated 31st October 2018 and it is therefore unclear how the proposed SuDS components will be managed and maintained for the lifetime of the development
- 5.5.8 Overall, the submission fails to fully assess the flood risks at the site, show how these risks will be adequately mitigated or demonstrate how surface water would be effectively managed to ensure that the development does not present risks of flooding on-site and/or off-site. It also does not demonstrate that all of the most vulnerable development has been located in areas at the lowest risk of flooding. The submission therefore fails to comply with the aims and objectives of the NPPF, in addition to local policy set out in DM33 and DM34 of the Development Management DPD.
- 5.6 **Open Space NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126-134 (Achieving Well-Designed Places), Development Management (DM) DPD policies: DM27 (Open Space, Sports and Recreational Facilities), DM57 (Health and Well-Being)**
- 5.6.1 Policy DM27 sets out the planning policy position in relation to 'Open Space, Sports and Recreation Facilities' stating that 'development proposals located in areas of recognised open space, sports and recreational facility deficiency will be required to provide appropriate contributions toward open space, sports and recreational facility provision, either through provision on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site'. Whilst it is recognised that the development incorporates the provision of open space within its proposal, it is important that this is the type, amount and quality that is required. The detail on which is currently not clear within the proposal.
- 5.6.2 An area of open space is proposed in the centre of the development, with a larger area to the west of the site. This area is indicated to include attenuation SuDS basins for the drainage strategy. In total there is approximately 3 hectares of open space proposed. The central space has been proposed as a natural play space with a trim trail and the majority of open space would be the landscape buffer to the west of the dwellings. It is considered that an appropriate level of open space could be achieved on the site and the precise details could be covered by a Section 106 Agreement. It is also likely that a contribution would be required to off-site facilities, and again this could be secured through a legal agreement.
- 5.7 **Residential Amenity NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).**
- 5.7.1 The site is located to the north of the built up area of Hornby. Immediately to the south are the school grounds, to the north and west are fields and to the east is the highway, beyond which is mostly agricultural land. Given the location of the dwellings in relation to nearby residential properties, it is considered that there would not be a detrimental impact on neighbouring residential amenity.
- 5.7.2 In terms of the amenity of the proposed dwellings, the layout achieves an appropriate separation between facing windows and also main windows to walls to ensure an appropriate level of outlook and privacy to future occupants. The supporting text to Policy DM29 sets out that new houses should achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, and should have a minimum of 50 square metres for a two bedroom house. Most of the gardens are at least 10 metres in length, although some are shorter. This does result in some of the dwellings quite close to rear gardens of adjacent properties, and a greater separation would allow

for greater privacy of gardens. However, it is considered that this would not result in unacceptable living conditions for occupants. The gardens of some of the two bedroom dwellings fail to achieve 50 square metres in area. The smallest appears to be approximately 40 square metres. Whilst not ideal, it is a small part of the scheme and considered that this would not make the whole scheme unacceptable from a residential amenity perspective.

- 5.8 **Biodiversity and Trees** (NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment, SG1 (Lancaster South Broad Location for Growth) and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).
- 5.8.1 The site is located approximately 80 metres from the River Lune Biological Heritage Site and there is also an area of Ancient Woodland approximately 230 metres to the east. There are no other designated areas close to the application site that have the potential to be impacted by the development. The only potential impact to the River Lune would be likely from pollution during and post construction. This could be adequately controlled through a construction management plan and agreement of an appropriate drainage scheme. The Ancient Woodland is separated from the site by two roads and a field and, as such, it is considered that the development would not cause harm to this.
- 5.8.2 The site predominantly comprises low value ecological grassland, although there are higher value hedgerows along the site east, south and western site boundaries in addition to some individual trees. Greater Manchester Ecological Unit (GMEU) have provided comments on the submitted assessment, although these do date from October 2017 as they relate to the previous application, but they confirmed they were relevant to this proposal. In relation to bats, one tree was assessed as having moderate bat roosting potential and this is located on the boundary and indicated as being retained. It is therefore considered that this would not be impacted by the development. Potential bird nesting habitat is present on the site for both ground nesting birds and within the boundary hedgerows. This is not considered a constraint to the development, and it can be ensured that nesting birds are protected through the timing of works unless a detailed bird nest survey is first undertaken.
- 5.8.3 The submission pre-dates the implementation of a biodiversity net gain metric to ensure that net gain is achieved. However, this matter has been considered in the response from GMEU. The development will result in the loss of around 4 hectares of low value ecological value grassland and short sections of hedgerow to facilitate the access. Without mitigation this would result in a net loss of biodiversity. However, around 2 hectares of land has been set aside for recreation with additional tree and hedgerow planting is proposed. It is therefore considered that adequate land is available for mitigation to occur and a commitment to provide enhanced semi-natural habitats. In addition, other enhancement measures can be incorporated into the scheme, such as the provision of bat nesting and bird roosting opportunities. These can all be adequately covered by conditions which would include a habitat creation and management plan and a detailed landscaping scheme.
- 5.8.4 The submitted surveys are now out of a date that would not normally be acceptable to adequately assess the impacts. However, given the low ecological value of the land, that the development will mostly retain the trees and hedgerows, it is considered that it is unlikely that there would be a significant impact on biodiversity or protected species. Given the date of the assessment, it is considered appropriate to take a precautionary approach to potential impacts during construction and it would be expected that a Construction Environmental Management Plan was prepared, including reasonable avoidance measures. Overall, it is considered that impacts to ecology and trees can be appropriately mitigated and enhancement measures secured to ensure a sufficient level of biodiversity net gain.
- 5.9 **Impacts on Heritage Assets** NPPF paragraphs: 189, 194 - 197, 199 – 206 (Conserving and Enhancing the Historic Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies DM37 (Development Affecting Listed Buildings), DM38 (Development Affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings), DM42 (Archaeology)

- 5.9.1 The Castle Stede and Loyn Bridge Scheduled Monument is located approximately 400m north of the Site. Loyn Bridge is also Grade II* listed. Lawnds Farm is located approximately 270 metres to the northwest and is Grade II listed. The site is also located approximately 350 metres to the north of the Hornby Conservation Area. The development would not have a direct impact on these heritage assets, but development within their setting does have the potential to impact on their significance.
- 5.9.2 Given the distance from the Conservation Area, the intervening development, some of which is relatively modern and the relatively low topography of the site, it is considered that the proposal would not cause harm to the significance of the Conservation Area through development within its setting. In addition, due to the distance from Castle Stedy and Loyn Bridge and the intervening woodland group it is considered that the development would also not cause harm to the significance of these assets. There is the potential that the development could impact on the setting of Lawnds Farm given its proximity and that the listed building is in an elevated position. The response from County Archaeology sets out that the submitted assessment does not acknowledge that the buildings have been deliberately sited on top of a raised ridge to the north of Hornby, with sweeping views to the south. The site is also equipped with what appears to be a viewing terrace along the main south front of the buildings. The comments highlight that the development introduces a further modern encroachment and cuts the distance between the farm and the start of the built up area by around 100 metres to a little under 300 metres. It has been advised that a view of the site from Lawnds Farm should be provided and a reassessment of the impact undertaken.
- 5.9.3 Additional information has not been received in response to the comments from County Archaeology regarding the impact on the setting of the Lawnds Farm. However, whilst the proposal will extend the development closer to the listed building, it will be separated by Gressingham Road which has a strong line of mature trees running along this. It is acknowledged that the development will extend into the low lying undeveloped fields, however the land immediately to the south, between the two roads is more directly related to and overlooked by the Listed Building and provides a positive contribution to its setting and therefore its significance in comparison to the application site which has a clear degree of separation. It is therefore considered that the development at the application site would not cause harm to the significance of the listed building through development within its setting, and the impact is more of a landscape one as discussed above.
- 5.9.4 County Archaeology have also provided comments in relation to the archaeological potential at the site, which would be considered as a non-designated heritage asset. They have advised that, given the lack of knowledge of this period, it is not possible to assign a probability to the presence of Early Medieval remains in the area of the site, however, the probability of unknown Medieval remains existing (other than agricultural earthworks) is likely to be moderate to low. They have also advised that it is also a reasonable assessment that the potential for Post Medieval and Modern remains (other than agricultural earthworks). The response goes on to advise that, given that any anticipated remains are unlikely to be of national importance, it would be reasonable to suggest a scheme of impact mitigation that may reduce the impact to an acceptable level. The initial phase of investigation works should include both geophysical survey and trial trenching and the results of this first phase would determine the specific requirements for a second phase of formal mitigation works, which would lead to the residual impact of the proposed development being considered to be acceptable. This could be covered by a condition.
- 5.9.5 As set out above, it is considered that the proposal would not cause harm to the significance of designated heritage assets through development within their setting. It is also considered that any potential impacts to buried archaeology, could be adequately mitigated through a scheme of archaeological work. The proposal is therefore acceptable in terms of its impact on heritage assets, in accordance with Local and National Planning policy.
- 5.10 **Affordable housing, housing standards and mix NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), and DM6 (Housing Provision in the Forest of Bowland AONB**

5.10.1 Policy DM3 sets out most of the requirements for affordable housing, however Policy DM6 relates specifically to housing development in the Forest of Bowland AONB. This sets out that housing development should deliver no less than 50% affordable housing. The policy also states that the number, size, types and tenures of all homes provided should closely reflect identified local needs in accordance with current housing needs evidence at the time of the application. The SHMA identifies the affordable housing need and table 4.1 of the DMDPD provides an indicative mix as follows:

Property Type	Affordable %
House (2 bed)	30
House (3 bed)	20
House (4+ bed)	5
Bungalow	10
Flat/apartment (may include 1 bedroom house)	35

5.10.2 The application proposes 40% affordable housing as it was submitted before the Review of the Development management DPD was adopted in July 2020. As such the proposal fails to provide an appropriate level of affordable housing in accordance with the Development, or any justification in terms of viability why this cannot be provided. In terms of the proposed mix, this is set out in the table below and fails to fully reflect the District wide need. There is currently no detailed local housing need evidence for Hornby to demonstrate that a different mix would be appropriate.

Unit Size	Amount	% of total
1 bed apartment	4	13%
2 bed dwelling	9	30%
3 bed dwelling	14	47%
Bungalow (2 bed)	3	10%
Total	30	100%

5.10.3 Policy DM1 seeks to ensure that new development promotes balanced communities and meets evidenced housing need in accordance with the Strategic Housing Market Assessment (SHMA). As set out above, policy DM6 requires housing to meet identified local needs in line with current evidence. The SHMA identifies a need for a range of house sizes, including smaller homes, this is carried forward into table 4.1 of the DMDPD, as follows:

Property Type	Market %
House (2 bed)	20
House (3 bed)	35
House (4+ bed)	25
Bungalow	10
Flat/apartment (may include 1 bedroom house)	10

5.10.4 The open market housing proposed is set out in the table below. This shows that it fails to adequately reflect the need in the District and, in the absence of detailed local data, this is the most relevant to mix to the development. In particular, the scheme proposes a disproportionate amount of 4 bedroom units, a significant shortfall of 3 bedroom units, no 2 bedroom units and no apartments.

Unit Size	Amount	% of total
3 bed	4	9%
4 bed	31	67%
5 bed	8	17%
Bungalow (3 bed)	3	7%
Total	46	100%

- 5.10.5 Policy DM2 adopts the Nationally Described Space Standards (NDSS) for all new dwellings and requires that 20% of new dwellings meet Building Regulations Requirement M4(2) in relation to accessible and adaptable Dwellings. This policy was also not included within the previous Local Plan and was adopted following the submission of the application. There are 6 bungalows proposed, although 3 also have accommodation in the roof space, which would equate to 7% of the total number of units. However, it is not clear if these would comply with those standards from the information provided. As such, it is not clear if 20% of the dwellings would be accessible and adaptable, as required by M4(2).
- 5.10.6 In terms of the space standards, the larger dwellings appear to achieve this. However, there are some of the smaller ones that do not appear to achieve the standards. In particular, the Epton and Hawthorn house types are both two bedroom units and the overall floor areas are around 4 and 5 square metres lower than that required by the standards. The Rowan house type, which is a 3 bedroom unit, would fail to provide adequate overall floor space if taken at 5 person which is indicated on the plans. Although if 4 persons it would be acceptable. The Banbury house type does not appear to have a large enough main bedroom as the largest one is restricted by the roof slope which reduces the amount of space that can be counted, although the overall floor area is acceptable. The Hasting house type has 3 bedrooms and the smallest bedroom fails to meet the minimum floor area.
- 5.10.7 On the basis of the above, the proposal fails to provide affordable and open market housing in line with the identified housing needs within the District, fails to provide dwellings of an appropriate standard, compliant with the NDSS, and fails to demonstrate that 20% will meet the M4(2) requirement of being accessible and adaptable dwellings.
- 5.11 **Education and Health NPPF paragraphs: 93 and 95 (Services and School Places); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)**
- 5.11.1 Lancashire County Council Schools Planning Team have requested financial contributions for 12 primary school places which has been calculated at **£213,924**. They have advised that they reserve the right to reassess the education requirements taking into account the latest information available. The contribution would be used to provide additional primary places at Hornby St Margaret's CE Primary School and/or Wray with Botton Endowed Primary School which are the closest primary schools to the development that have space to accommodate an expansion. The development would likely generate a growth in pupil numbers and County Council have calculated that there will be a deficit in places. Therefore, the contribution is considered to be necessary and relate to the direct impacts of the development proposed. This can be secured by a Section 106 legal agreement.
- 5.11.2 The response from the NHS sets out that the proposal will generate approximately 183 new patient registrations based on average household size of 2.4. The site falls within the catchment area of Caton Health Centre and they have advised that this need can only be met through the extension and reconfiguration of the existing premises to ensure a sustainable practice and a figure of £21,016 has been put forward. However, there are no details in relation to how this need would be met. In addition, since these comments, it has been advised that they do support the construction of the new surgery and have been involved in developing the plans. They have still advised that a contribution would be required. As this time, there is not sufficient evidence to support this request. However, a contribution could be secured by a S106 Agreement if this was provided and was robust to support the request.
- 5.12 **Mineral safeguarding NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals)**
- 5.12.1 The site is located within a Mineral Safeguarding Area as identified by Lancashire County Council and considered within the Joint Lancashire Minerals and Waste Local Plan. Policy M2 sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:
- The mineral concerned is no longer of any value or has been fully extracted.

- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

5.12.2 A minerals resource assessment has been submitted with the application. However, this does not make an assessment of the resource at the site but sets out that mineral development is unlikely in this location. This is due to the proximity to the school and other residential developments, in addition to the location within The AONB and the likely landscape impact of mineral extraction. Whilst the development would likely sterilise any minerals on the site, it is considered unlikely that it would be developed for minerals and therefore is not considered to be a significant constraint to development on the site.

5.13 **Sustainable Design and Renewable Energy** NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Strategic Policies and Land Allocations (SPLA) DPD policies: SG1 (Lancaster South Broad Location for Growth); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)

5.13.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities.

5.13.2 One of the primary areas for emissions reductions for residential development in supporting the transition to net zero is in building to high fabric standards and supplying the new homes with renewable and low carbon energy. This is highlighted in the adopted Local Plan in policies DM29 and DM30 and supported by 'PAN9 – Energy Efficiency in new Development Planning Advisory Note'. This has not been fully considered by the submission, as a result of when the application was submitted. However, if measures beyond building regulations were considered to be necessary, these could be covered by condition. The emerging policy, if adopted, would have more weight for the requirement of such measures.

6.0 Conclusion and Planning Balance

6.1 The proposal represents major development within an Area of Outstanding Natural Beauty. In line with the NPPF, exceptional circumstances must exist for such development to be granted, taking into account the need for the development, meeting the need in some other way and the impact on the environment and landscape. As set out in the above assessment, it is considered that exceptional circumstances do not exist and the development would have a significant impact on the character and appearance of the designated landscape. Whilst the Council cannot currently demonstrate a 5 year supply of deliverable housing site, this does not in itself provide exceptional circumstances and the type of development proposed would also fail to meet a specific identified local need or provide an acceptable level of affordable housing or all housing to an appropriate standard.

6.2 In addition to the above, the scheme fails to reflect the local distinctiveness of the area, in terms of its layout, scale and design and would appear detached from the existing settlement. The proposal also fails to provide an acceptable safe and suitable access to serve the development, would have a detrimental impact on highway safety and would potentially impact on the operation of the bus service. It fails to fully assess the flood risk at the site, show how these risks will be adequately mitigated or demonstrate how surface water would be effectively managed to ensure that the development does not present risks of flooding on-site or off-site. The development is therefore contrary to both Local and National Planning policy as discussed above.

6.3 Whilst the concerns regarding drainage, highway impact, housing mix and standards could possibly be addressed through amendments and additional information, it is considered that the landscape and visual impact and the impact on the character of the area in general could not be overcome. As set out above, the Council cannot currently demonstrate a five year supply of housing and it is acknowledged that there is significant shortfall. In accordance with the NPPF, and the presumption in favour of sustainable development, a tilted balance should be applied unless other policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposal. In this case, the application represents major development in the AONB without exceptional circumstances being demonstrated and there is also harm to the character and appearance of the designated landscape. As such, it is considered that a normal planning balance, rather than a tilted one would apply.

Recommendation

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

1. The proposal fails to demonstrate that exceptional circumstances exist, and that the development would be in the public interest, to justify this major development within the Forest of Bowland Area of Outstanding Natural Beauty, having specific regard to the need for the development, the economic impacts and the impacts on the landscape and the environment. The application is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 15, Policies SP2, SP3 and EN2 of the Strategic Policies and Land Allocations Development Plan Document and Policy DM6 of the Review of the Development Management Development Plan Document.
2. As a result of the open nature and character of the site, its separation from the built-up area of Hornby and the sensitivity of the landscape, the proposed development would fail to relate positively to the existing settlement and would have a detrimental impact on the character and appearance of the designated landscape and the area in general. In addition, the proposal fails to make a positive contribution to the surrounding landscape and townscape and contribute positively to the identity and character of the area through good design. As such, the proposal fails to comply with the National Planning Policy Framework, in particular Sections 12 and 15, Policy EN2 of the Strategic Policies and Land Allocations Development Plan Document and Policies DM29 and DM46 of the Review of the Development Management Development Plan Document.
3. The proposal fails to provide an acceptable safe and suitable access to serve the development, would have a detrimental impact on highway safety and would potentially impact on the operation of the bus service. In particular, the scheme fails to demonstrate that the access is of an appropriate width and provides adequate turning for all vehicles, that appropriate visibility splays can be provided, and includes a mini roundabout which would likely introduce collisions on the highway. The application is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 9, and Policies DM57 and DM60 of the Review of the Development Management Development Plan Document.
4. The submission fails to fully assess the flood risk at the site, show how these risks will be adequately mitigated or demonstrate how surface water would be effectively managed to ensure that the development does not present risks of flooding on-site or off-site. It also does not demonstrate that all the most vulnerable development has been located in areas at the lowest risk of flooding. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 14, Policy SP8 of the Strategic Policies and Land Allocations Development Plan Document and Policies DM33 and DM34 of the Review of the Development Management Development Plan Document.
5. The proposal fails to provide an acceptable level of affordable housing and housing that reflects the identified housing needs within the District, fails to provide a scheme where all dwellings are of an appropriate standard, compliant with the national Described Space Standards, and fails to demonstrate that 20% will meet the M4(2) requirement of being accessible and adaptable dwellings. As a result, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 5, and Policies DM1, DM2, DM3 and DM6 of the Review 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 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. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in this report.

Background Papers

None