

**Committee Report****Date: 07.06.2023**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>23/00274/FUL</b>
<b>Proposal</b>	<b>Erection of 1 dwelling (C3) with detached garage and orchard, and new access</b>
<b>Location</b>	<b>Land Adjacent To Inglewood Cabus Nook Lane Cabus Preston Lancashire PR3 1AA</b>
<b>Applicant</b>	<b>Mr K Taylor</b>
<b>Correspondence Address</b>	<b>c/o Mr Joe Monks 25 Birchfield Drive Longridge Preston Lancashire PR3 3HP</b>
<b>Recommendation</b>	<b>Refuse</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Lowcock**

Site Notice Date: 31.3.23

**1.0 INTRODUCTION**

- 1.1 This planning application is presented before planning committee at the request of Councillor Lady Atkins. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

**2.0 SITE DESCRIPTION AND LOCATION**

- 2.1 The application site is part of a field on the northern side of Cabus Nook Lane in Cabus. The site is located in the countryside. It is also in a Health and Safety Executive (HSE) pipeline buffer zone and Site of Special Scientific Interest (SSSI) impact zone.
- 2.2 There is a hedgerow to the road boundary and the site slopes up from the road. There is a hedgerow to the western side field boundary beyond which is a residential dwelling, which is a bungalow. This neighbouring property has some shrubs/trees to the boundary with the application site. There is also a recently constructed dwelling to the east of the application site, which is a bungalow with dormers in the roof. There is a field on the opposite side of the road. The road comprises properties of mixed design.

**3.0 THE PROPOSAL**

- 3.1 This application seeks full planning consent for the erection of 1 dwelling (use class C3), with a vehicular access onto Cabus Nook Lane. The dwelling

would be set over two floors, with dormer windows in the front. The property would have a pitched roof, with a ridge height of 7.2m. A two-storey glazed feature entrance is also proposed on the front. A two-storey glazed projecting element is proposed on the rear, along with a dormer with a sloping roof. The materials proposed are slate, render, timber cladding and facing brickwork. It is proposed to lower the land level to site the dwelling.

- 3.2 The proposed dwelling would be sited towards the front of the site, with a garden to the rear and front. External off-street parking is proposed to the front of the house. A single vehicular access point is proposed onto the road, with a drive along the western boundary leading to a detached garage and turning head at the rear of the site. Also proposed is an orchard and wild flower meadow to the far rear of the site.
- 3.3 The detached garage would have a pitched roof and would measure 7.4m by 7m. It is proposed to lower the land level to site the garage.

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 21/0948/FUL - Erection of dwelling (C3) with vehicular access - Refused (Appeal dismissed)
- 4.2 20/00302/DIS - Agreement of details reserved by conditions 02 (materials) and 03a (hedgerow replanting) on application 20/00302/REM - Accepted
- 4.3 17/00435/DIS - Agreement of details reserved by conditions 03 (drainage) and 05 (levels) on application 17/00435/OUT - Accepted
- 4.4 20/00302/REM - Reserved matters application for one new dwelling (following outline planning application 17/00435/OUT) - Approved
- 4.5 17/00435/OUT - Outline application for two bungalows, all matters reserved - Approved

#### **5.0 PLANNING POLICY**

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:
- SP1 Development Strategy
  - SP2 Sustainable Development
  - SP4 Countryside Areas
  - CDMP1 Environmental Protection

- CDMP2 Flood Risk and Surface Water Management
- CDMP3 Design
- CDMP4 Environmental Assets
- CDMP6 Accessibility and Transport
- HP1 Housing Land Supply
- HP5 Residential Curtilages

## 5.2 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2. Achieving sustainable development
- Section 5. Delivering a sufficient supply of homes
- Section 9. Promoting sustainable transport
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §74, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's Housing Implementation Strategy (base dated 31st March 2022) which demonstrates a deliverable housing land supply position of 6.7 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

## OTHER MATERIAL CONSIDERATIONS

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Wyre Council SPG 4 Spacing Guidance for new housing layouts

5.3.2 Wyre Council Extending Your Home SPD

### 5.4 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

5.4.1 Design

## 6.0 CONSULTATION RESPONSES

### 6.1 CABUS PARISH COUNCIL

6.1.1 No objections

## 6.2 CADENT GAS

6.2.2 No comments received

## 6.3 LANCASHIRE COUNTY COUNCIL HIGHWAYS

6.3.1 No objections. Requires conditions about turning and paving the access.

## 6.4 UNITED UTILITIES

6.4.1 Comments on; United Utilities assets, the drainage hierarchy should be followed, waste and wastewater services from United Utilities.

## 6.5 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.5.1 No objection

## 6.6 WYRE BC HEAD OF ENVIRONMENTAL HEALTH & COMMUNITY SAFETY (CONTAMINATION)

6.6.1 Information required about contamination.

## 6.7 WYRE BC PUBLIC REALM DEVELOPMENT AND STRATEGY MANAGER (TREE OFFICER)

6.7.1 Advises on a requirement for a methodology for the hedge relocation and planting specifications.

## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report one neutral comment has been received - although raises comment on overlooking and loss of privacy. Requests change to the design and mature screening trees. Request a condition that the garage cannot be used as an apartment or separate property.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 17.5.23 - Revised elevations requested for accuracy

## 9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on the residential amenity
- Impact on Highway / Parking
- Flood Risk and drainage
- Trees and hedgerows
- Ecology

### Principle of Development

9.2 The application site is part of an agricultural field in the countryside, which is outside of a settlement boundary, as identified on the Wyre Local Plan Policy

Map (The Adopted Policies Map). Therefore, what has to be assessed is the appropriateness of this location for the provision of housing, with the proposal being for a dwelling (C3). Policy SP1 of the Adopted Local Plan sets out the development strategy for Wyre. It directs new build development to within the settlement boundaries, stating 'new built development will take place within settlement boundaries defined on the Adopted Policies Map, unless development elsewhere in designated countryside areas is specifically supported by another Policy in the Local Plan'. Also, 'outside settlements with defined boundaries the amount of new built development will be strictly limited'. The accompanying notes to this policy explain that '[Policy SP1] gives a clear steer where the majority of development should be directed. As such it provides necessary protection in designated countryside areas outside settlements'. As the proposal would be in the countryside outside of a defined settlement boundary, it would only be in accordance with Policy SP1 if specifically supported by another Policy in the Adopted Local Plan. Policy SP4 is relevant to development in the countryside and so the proposal should be assessed against this Policy in order to provide a conclusion on the compliance with Policy SP1.

- 9.3 Policy SP4 of the Adopted Local Plan relates specifically to countryside areas. The policy follows the approach of paragraph 174b) of the Framework in recognising intrinsic character and beauty of the countryside. Policy SP4(1) requires that 'the open and rural character of the countryside will be recognised for its intrinsic character and beauty. Development which adversely impacts on the open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh the harm'. This is assessed in the visual impact section of this report. Policy SP4(2) sets out that within the countryside, planning permission will only be granted for new development that meets the requirements of the Core Development Management Policies and is for one of a number of listed exceptions of development. This proposal is for a market dwelling (C3), which is not one of the development types that Policy SP4(2) supports. The Local Plan does not have an 'infill' policy. Therefore, even if the proposal was deemed to not be in conflict with Policy SP4(1), to be assessed in the visual impact section below, the policy has to be read as a whole and so there is still conflict with SP4 which does not support the development proposed, and in turn conflict with Policy SP1. This countryside location is not a suitable location for this development as set out by the Local Plan. As the council is able to demonstrate a 5 year housing supply (paragraph 5.2.3) these policies are up-to-date. Therefore, the development is not in accordance with the up-to-date development plan which is the starting point for all decision taking and this conflict carries significant weight against the proposal. This position follows the decision taken by the Planning Inspectorate on application no. 21/00948/FUL, which was for a dwelling at the same site, with the appeal dismissed. The Inspector concluded that 'the proposed development would be contrary to the development plan taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan'. There have been no material changes over that application, to support a different approach towards this current application. The dwelling to the east has been fully constructed, and this is considered in the visual impacts section below, however, this does not alter the unsuitability of this countryside location for the provision of a dwelling.

- 9.4 A garage, access and other hardstanding areas with residential garden are also proposed. As these are proposed in association with the dwelling, which is not deemed to be acceptable, this other development is also unacceptable development in the countryside, in conflict with Policies SP1 and SP4 of the Adopted Local Plan. An orchard is also shown on the plans. This is classed as Sui Generis - agriculture. As the land is already in agricultural use, this in itself does not require planning permission, however, used in association with the residential dwelling, is also unacceptable development. A neighbour has raised concerns about the future use of the garage as an apartment or separate property, however, this would require planning permission in itself, so is not under consideration as part of this planning application. A condition could be added that the garage only be used ancillary to the main dwelling.
- 9.5 Policy SP2 of the Adopted Local Plan requires sustainable development. Relevant objectives in this case are to ensure accessible places and minimise the need to travel by car, and protect and enhance biodiversity assets (the latter is considered in the ecology section below). In terms of accessibility, the site is not in a settlement boundary. The submitted planning statement sets out that 'there are regular bus services on the A6 just 200 metres from the site, a fish and chip shop at the junction and a convenience store under 400 metres walking distance from the site.' These distances are agreed. No details have been provided on the pedestrian routes to the nearest settlements, however, the council have access to mapping systems to show that the nearest settlement is Scorton approx. 1.5km to the east, with Forton approx. 2km to the north. There is no footpath along Cabus Nook Lane between the site and the A6, the road has a few street-lights and there is a grass verge (refuge) either side of the road from the application site to the A6. The Planning Inspectorate's decision on application no. 21/00948/FUL for a new single dwelling considered this matter, and set out that 'the appeal site is not in an excessive location away from settlements, and it would enable reasonable and satisfactory access to local shops, schools and other amenities with modest car reliance. On this basis, I conclude that the appeal site would be acceptable in terms of location accessibility to local services and facilities and would accord with WLP Policies SP2 and CDMP4, in locational accessibility terms'. Taking into account the material consideration of this previous decision, it directs that the site should be considered to be suitably accessible for this development.
- 9.6 Policy SP2 also requires a response to climate change to be demonstrated. In this case, use of renewables is proposed with solar panels, along with some tree planting. The site is in Flood Zone 1, the lowest risk area of flooding. A condition could be used to require an electric vehicle charging scheme in order to satisfy Policy CDMP6. Overall, the development is considered to satisfy this section of Policy SP2 on climate change.
- 9.7 There has been a previous outline planning permission covering the application site, ref: 17/00435/OUT, which was granted on 30 August 2017. That permission included a condition (No. 1) that required application for approval of reserved matters details to be made within three years of the date of the permission (30 August 2020). Whilst an application for reserved matters approval was made and granted on the adjacent plot (plot 1, ref. 20/00302/REM), no such application was made on plot 2 which forms the current application site within the specified timeframe. The Business and Planning Act 2020 temporarily modified the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to

enable certain planning permissions and listed building consents in England which had lapsed or were due to lapse during 2020 to be extended. Unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 were extended to 1 May 2021. In addition, any deadline for the submission of applications for the approval of reserved matters under an outline planning permission which would otherwise expire between 23 March 2020 and 31 December 2020 were extended to 1 May 2021. However, an application for reserved matters for plot 2 was only submitted to the council on 18 June 2021, outside of this extension period. Therefore, a second dwelling cannot lawfully be erected on the application site under application no. 17/00435/OUT. This was supported by the applicant's Counsel advice submitted on application no. 21/00948/FUL and the Inspector's report on the appeal for 21/00948/FUL. Based on this, there is not a fall-back position for a dwelling to be erected on the application site.

- 9.8 As planning permission was previously granted for a dwelling on the land which forms the application site (app. no. 17/00435/OUT), the previous decision is a material consideration in the assessment of the current planning application, with the council entitled to decide how much weight to give this. At the time the previous permission was granted, the relevant development plan was the 1999 Wyre Borough Local Plan (Saved Policies), with Policy SP13 controlling development in countryside areas. There was no specific policy on assessing sustainable development.
- 9.9 Perhaps most importantly, at the time of determination of that application (30 August 2017), the council could not demonstrate a 5-year housing supply. This meant that the Local Plan including Policy SP13 at that time was out-of-date, and so the assessment went onto consider the "presumption in favour of sustainable development" as the tilted balance in the NPPF was engaged, as such the test was whether the harm would significantly and demonstrably outweigh the benefits for permission to be withheld. Therefore, despite the proposal failing to satisfy the development plan at that time, as significant and demonstrable harm was not found with that application, and significant weight was granted to the provision of additional dwellings due to the housing supply short-fall, the assessment ultimately concluded that this was sustainable development and permission should be granted. This was reflected in the delegated report at that time, which stated 'the residential development proposed would in effect represent an incursion into the countryside area and would be contrary to the aim of this policy. However, this conflict must be weighed in light of the presumption in favour of sustainable development set out in the NPPF and against the requirement for Local Planning Authorities to identify sufficient housing land to meet local need'. Therefore, the lack of a 5-year housing supply and up-to-date Local Plan, was the key determining factor at that time as to why permission was granted. This contrasts with the current planning application, where the council can demonstrate a 5-year housing supply and therefore the development plan is up-to-date. Paragraph 11 c) of the NPPF therefore applies, rather than paragraph 11 d).
- 9.10 A planning statement has been provided with the current planning application and the benefits of the proposal are stated, to summarise: development opportunity for a small builder, meeting the substantial increased windfall allowance in the Council's housing land availability calculations, use an otherwise vacant and neglected site, contribute to biodiversity through new planting. Although, all of these points can be acknowledged as benefits, they

do not specifically justify the development of a dwelling to be provided in the countryside in conflict with the development plan. The development opportunity for a small builder and the housing contribution of providing a windfall site would be achievable at a site not within the countryside and in accord with the Local Plan, such as within a settlement boundary. The land is agricultural land, that adjoins a wider field, so there is no specific reason why this site should be 'neglected', and the biodiversity gains of planting can be achieved on agricultural land, without the need of the dwelling and associated development. Overall, therefore, the benefits set out by the application do not present a material consideration that outweighs the conflict with the development plan, set out above.

- 9.11 To summarise, account has been taken of the outline permission previously granted in 2017, however, as that permission cannot be implemented on this application site, it does not constitute a fall-back position. Also, the policy context at the time of the outline permission was significantly different from the present, where the council can now demonstrate a 5-year housing supply and has an up-to-date Local Plan, which includes a development strategy under Policy SP1. The principle of the proposal is deemed to be in conflict with Policies SP1 and SP4. Paragraph 12 of the NPPF states 'where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'. Also, s70(2) of the TCPA 1990 and s38(6) of the Planning and Compulsory Act 2004, requires that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. Any other relevant material considerations will be presented in each section of the report and then considered in the conclusion as to whether they outweigh the conflict with the development plan. Whilst each application is assessed on its own merits, the council's approach to weighting and treatment of expired permissions in this application is consistent with its position taken on another site which was supported by the Planning Inspector in dismissing an appeal, the details of which are very similar to this case (application ref: 19/00636/OUT, appeal ref: APP/U2370/W/20/3253480).

#### Visual Impact / Design / Impact on the street scene

- 9.12 The site is currently part of a field which forms a gap between linear development along this section of Cabus Nook Lane. This is visible from Cabus Nook Lane itself, but also from the A6. A dwelling has been constructed on the adjacent land to the east (under application no's. 17/00435/OUT and 20/00302/REM). There is an existing dwelling to the west, known as Inglewood. This leaves a gap in development along the road, approximately 25m wide. At this end of Cabus Nook Lane, the road is characterised by linear development to the northern side, with a large agricultural enterprise to the southern side. Turning to SP4(1), the approved historic outline application assessed that two dwellings, including one on the application site, would not adversely impact on the openness of the countryside. The Inspector on the appeal relating to application no. 21/00948/FUL determined that the dwelling on that application 'would not be in conflict with the criteria which is set out in SP4(1)'. The current proposed dwelling is also not judged to conflict with SP4(1), in that it does not adversely impact on the open and rural character of the countryside. The details of the visual impacts of the proposal are assessed below.



- 9.13 Design - the dwelling is designed with a pitched roof. The road comprises a variety of house designs, so it is not considered that the individually designed character of dwelling would be out of keeping in itself. The property would have some features of visual interest, including large glazed windows, pitched roof dormers and a varied materials palette. The materials proposed are natural slate, red brickwork, zinc cladding, aluminium panels, timber cladding and render. These would generally be acceptable, however, the details would need to be agreed through a planning condition if permission were to be granted. The garage would be a double garage with a pitched roof, which in itself would be a suitable design.
- 9.14 Scale - the dwelling would have a ridge height of 7.2m, with an eaves of 2.4m. This general roof height would be in keeping with that of other properties in the street. The two-storey rear extension would have higher eaves, at 5.1m. Being on the eastern side of the rear of the dwelling, and therefore, adjacent to the existing dwelling to the east, this would not stand out as prominent in the wider street-scene. The front glazed feature would project out beyond the main elevation and have eaves higher than the main dwelling, which would be particularly visible. Overall, however, the dwelling is considered to be of an appropriate scale for the plot, and not appearing overly cramped with features generally being in proportion. The garage would measure 7.4m by 7m, and be 4.2m to the ridge, and 2.2m to the eaves. This scale of garage would not be excessive.
- 9.15 Layout - the dwelling would be towards the front of the plot, forwards of Inglewood to the west and behind the approved dwelling to the east. This would be visually appropriate, as it would not be forwards of the main front building line of properties along this section of the road. A gap of 4.8m would be provided from the side of the approved property to the east, and a gap of around 8m to the side of Inglewood. This would provide spacing compliant with SPG4, and is reflective of the character of the spacing for other properties along this part of the road. Parking is proposed mainly to the front of the dwelling. This would not be out of keeping with the layouts of properties in this row, however, would add to the visual impact by having cars parked on more visible part of the site. A drive is proposed along the western boundary, leading to a garage around 30m away from the proposed dwelling, alongside the proposed rear garden of the proposed dwelling. This would result in development encroaching further out into the open countryside, however, in this case with the garage being immediately adjacent to a neighbouring outbuilding, and the garden being in line with that of the neighbours, it is not considered that this would have an adverse visual impact on the countryside. It would also, be significantly screened by the proposed dwelling itself from roadside views.
- 9.16 Landscaping - the plans show grassed areas, paths and a parking/turning area, and new planting. A condition would be required to agree the landscaping, including the planting details, such as species, and hardstanding materials, as these have not been provided. The proposal would require the removal and replanting of the existing front hedgerow. Although it can be feasible for a hedgerow to be transplanted, this is not always guaranteed to be successful, and so an assessment on its removal and replacement is therefore required. There could be an initial time period where the new hedgerow is not yet established, which would add to the visual impact of the proposal.

- 9.17 Levels - the field slopes up from the road, so that the dwelling would be on a more elevated part of the site. A cross-section has been provided, showing the land cut down for both the dwelling and the garage, so that the dwelling would not be excessively elevated over the road or the existing properties, and would be at the same level as the adjacent dwelling, which would be visually acceptable. The levels would need to be conditioned to be implemented.
- 9.18 Boundaries - the plans mainly show hedgerows to the outer boundaries, however, no details of the planting or on other boundaries have been provided, including the retaining walls, therefore, a condition would be required to agree the detail.

#### Impact on the residential amenity

- 9.19 Light - the dwelling would be forwards of the existing dwelling to the west Inglewood, projecting beyond its front elevation by around 11.5m. There would be a gap of 8.4m to the front elevation of this neighbour, reducing to around 5.6m further forwards. There are some shrubs to this boundary, which already have some impact in this regard to the neighbour's window. Balancing the separation distances and the height of the proposed dwelling, it is assessed that overall the proposal would not have an unacceptable impact on the light to or be overbearing to this neighbour, to the harm of their residential amenity.
- 9.20 In relation to the dwelling to the east, the proposal would project beyond the main rear elevation of this by 5.7m with a 5m gap between the properties. Although not a house extension, the design principles provided in the council's SPD on house extensions are considered reasonable to use in this case as they indicate what impacts on dwellings are considered acceptable. The SPD sets out that a first-floor rear extension set off the boundary shall not project by more than half the set off distance plus 1.5m from the first floor wall of the adjoining neighbouring property. Whilst the proposal would exceed this guidance by 1.8m, the approved dwelling on plot 1 is slightly angled away from the application site, has an open outlook at the rear and there is a gap of approximately 5m between the two buildings. Also the land at the application site is to be lowered, which helps to reduce the massing. Whilst the proposal, being to the west, would have impacts on direct sunlight later in the day, on balance, it would not have an unacceptable overbearing impact on the main windows and garden of this adjacent property, nor is the impact on direct light judged to be unacceptably harmful to the amenity of this neighbour.
- 9.21 Overlooking - main windows are proposed in the front and rear, which will not directly overlook any other properties. Secondary side windows are proposed, which could be conditioned to be obscure glazed, so as to prevent overlooking of the dwellings and their gardens to the sides.
- 9.22 Amenity of proposal - each main room would have a window providing a source of light. The rear garden would be provide adequate outdoor amenity space for the dwelling. The dwelling would have an adequate standard of amenity.

#### Impact on Highway / Parking

- 9.23 Lancashire County Council highways have been consulted on the application and have no objections. There are therefore no highway safety, traffic or parking concerns. The proposal would be for a four bedroom dwelling, so the 3 off-street spaces to the front, plus the driveway to the rear would provide adequate parking in accordance with the parking standards set out in the Local Plan. Conditions will be required about the provision of turning and the paving of the access. Although not mentioned by LCC Highways, the visibility splays should be conditioned, and also, about the provision and retention of the parking. An informative can be added about any required highways consent.

#### Flood Risk and drainage

- 9.24 The application site is in Flood Zone 1, and is not identified as being at risk of flooding from other sources. The council's drainage engineer has no objections, therefore, there are no flood risk concerns.
- 9.25 A sequential and exception test is not required because the site is not in an area at risk of flooding.
- 9.26 United Utilities require the surface water drainage hierarchy to be followed. The drainage plan shows a package treatment plant for foul, with the discharge from this along with surface water going into the final point of discharge of a watercourse, as approved on the adjacent site under application no. 17/00435/DIS. As the council's drainage engineer agrees to this, it is considered to be the most sustainable drainage option for this site in accordance with the sustainable drainage hierarchy set out in Policy CMDP2 of the Adopted Local Plan. The drainage would need to be conditioned to be implemented.

#### Trees and hedgerows

- 9.27 There are trees at the neighbouring property and hedgerows to two of the boundaries. A tree protection plan would be required for the adjacent trees and retained hedgerow. This can be secured through a planning condition. The existing front hedgerow to the site is shown to be replanted behind the access sightlines. A methodology for this would be required through condition, to ensure that it is carried out appropriately, and to ensure mitigation for any hedgerow that may not successfully transplant. New tree planting is shown within the site. Details of this would need to be agreed through condition, to ensure suitable species are used.

#### Ecology

- 9.28 The site is a grass field with hedgerows to two boundaries. There are no apparent ecology features, such as ponds or watercourses, within close proximity to the site. Matters to protect the retained hedgerow and replanting of the front hedgerow are discussed above. The front hedgerow will need to be removed to form the access point and visibility splays onto the road. This would result in the loss of an ecological habitat for wildlife, such as bats and birds, however, it is proposed that the hedge be replanted back into the site, ensuring the habitat network is maintained and further planting is proposed within the site, which would provide suitable mitigation. Therefore, it is not considered that the proposal would have unacceptable ecological harm. As the hedgerow could form a habitat for nesting birds, a condition could ensure

that its removal does not take place during the nesting bird season, without further survey. As a precaution, an informative could be added about protected species. The site is in a SSSI impact zone, however, for this type and scale of development there is no requirement to consult Natural England and it is not considered that there would significant impacts on designated sites to warrant the preparation of a habitat regulations assessment.

#### Other Issues

- 9.29 The Council's environmental protection department have requested (given the sensitive end use of the development), a condition requiring a desk study be submitted, so as to protect the environment and human health.
- 9.30 An informative could be added to any planning permission granted, so that the applicant is aware that any works on neighbouring property would need the owners' consent.
- 9.31 The site is in a pipeline buffer zone. Cadent Gas have not commented, so there are no concerns on this matter.
- 9.32 As this proposal is for one dwelling, there are no requirements under the Adopted Local Plan for the provision of affordable housing, or infrastructure contributions.
- 9.33 An informative could be added to any planning permission granted about United Utilities assets and their waste and wastewater services.

#### **10.0 CONCLUSION**

- 10.1 The application is for the provision of a dwelling (C3) on a site that is in the countryside, outside of a settlement boundary. The development would be contrary to the Development Plan in relation to the development strategy and countryside location, with particular conflict with Policies SP1 and SP4(2). These policy conflicts carry significant weight. Turning to material considerations and whilst there was a 2017 planning permission covering this site and land to the east, this has expired in respect of this site, and so does not represent a fall-back. Whilst consideration has been given to the decision to grant planning permission at that time, this was under a different policy context importantly the council was unable to demonstrate a five year land supply at that time. Any weight given to material considerations are limited and do not outweigh the significant weight given to the harm caused by the conflict with the development plan.

#### **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

#### **12.0 RECOMMENDATION**

- 12.1 Refuse

**Recommendation: Refuse**

1. The proposal, for a market dwelling and associated development, by reason of the location of the application site outside a defined settlement boundary, would introduce an inappropriate form of development in the countryside. The development would not constitute an acceptable form of development with particular regard to its countryside location. Relevant material considerations have been considered, but do not outweigh this inappropriate development in the countryside and conflict with the development plan. Therefore, the development is contrary to Policies SP1 and SP4 of the Wyre Local Plan Partial Update (2011-2031) and the provisions of the NPPF.